

Kershner v. Kolison
Motion for Preliminary Injunction

Decl. Adam Steinbaugh

EXHIBIT 7

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EPISODE 143: STEPHEN KERSHNAR

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1 Episode 142: Stephen Kershner

2 THADDEUS RUSSELL: I am very proud
3 to announce that the new sponsor for
4 Unregistered is Headspace, a company
5 that has changed my life over the last
6 six years.

7 Now, life can be very stressful
8 under normal circumstances, but 2020 has
9 probably been the most stressful year in
10 the lives of most of us. Right now,
11 though, you can get a free one month
12 trial membership by going to
13 Headspace.com/Renegade.

14 Hey everybody, I have a couple of
15 announcements to make that I think a lot
16 of you will want to hear. First of all,
17 you have to check out what's going on at
18 Renegade University right now. We have
19 some webinars coming up that I think
20 most of our listeners will really be
21 interested in.

22 First of all, with James Lindsay,
23 I am co-teaching a course in January
24 called Postmodernism, Critical Theory
25 and American Politics. We already have

1 Episode 142: Stephen Kershner
2 had many people sign up for this counsel
3 and we might have to cap it pretty soon.
4 So go to Renegadeuniversity.com and sign
5 up if you're interested in that course.
6 It'll be a three-week webinar, the first
7 three Tuesdays in January at 5:30 p.m.
8 Pacific, 8:30 Eastern.

9 So again, it's filling up fast and
10 we will have to put a limit on it
11 eventually. So please go get those
12 tickets if you're interested.

13 The other one that I think also
14 will probably sell out, we just put up
15 on sale. I'm going to be a student in
16 it because I'm so excited by it. I wish
17 we had had courses like this when I was
18 in college, and this is actually one of
19 the reasons I started Renegade
20 University, is to have courses like
21 this. Taught by Kamasi Hill, who just
22 recently co-taught with me, Talkin'
23 Shit: The History of African American
24 Culture, which was an amazing success,
25 just a tremendous time had by all. It

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2 was so successful, so popular, that we
3 decided to do whole spin off series. So
4 there will be Talkin' Shit subseries
5 taught by Kamasi and/or me. The first
6 one is on the history of hip hop.
7 Kamasi will be teaching this one. It'll
8 be meeting over three weeks, beginning
9 in late January, January 26, February 2,
10 February 9; same times, 8:30 p.m.
11 Eastern, 5:30 Pacific.

12 For those of you who haven't taken
13 Talkin' Shit yet or haven't seen Kamasi
14 on Are You Live or on Unregistered, he
15 is just, bar none, the greatest teacher
16 of the history of American pop culture
17 I've ever come across. And that's why I
18 hired him to do this job. He's
19 phenomenal.

20 So go to Renegadeuniversity.com,
21 look for those two webinars coming up.
22 I'm sure, like -- as I said, many of you
23 will be interested in those and sign up
24 as soon as you can because we will be
25 putting limits on them. We don't want

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2 to have too many people because we want
3 to enable there to be a lot of
4 conversation. So go do that.

5 The second announcement, very
6 important. If you're in the Seattle
7 area on December 5, I will be giving the
8 keynote speech at the Libertarian Party
9 of King County Annual Holiday Party.
10 It's a 6:00 on that Saturday. Go to
11 lpkingcounty.com to get more information
12 and to get your tickets, and I hope to
13 see you there.

14 All right. Let's start the show.

15 This is the Unregistered Podcast.
16 And I'm Thaddeus Russell. This is a
17 show about ideas, people, and behaviors
18 that are considered inappropriate, out
19 of bounds, or beyond the pale. The
20 things you're not supposed to talk about
21 if you're a school teacher, a college
22 professor, a businessman, a politician,
23 a parent, a neighbor, or even a podcast
24 host. These are the things you're not
25 supposed to say or even think if you're

1 Episode 142: Stephen Kershner
2 a good liberal, a good conservative, or
3 a good citizen.

4 Each week I'll interview a person
5 who has something bad to say. They
6 might be a journalist or a professor.
7 They might be a porn star or a drug
8 dealer. They might just be an ordinary
9 person with an ordinary job who doesn't
10 care about the rules of polite society.

11 I'm not interested in breaking the
12 rules just to be a troublemaker. I'm
13 interested in people who break the rules
14 of conventional thought and to expand
15 the scope of what is possible to say in
16 our society. I'm interested in people
17 who make me think.

18 My guest this week is a professor
19 of philosophy at the State University of
20 New York at Fredonia. He's the author
21 of nine books, all of which would make
22 your grandmother freak right out. He
23 has argued that we shouldn't be grateful
24 for our veterans. That the pro-life
25 movement, if it were logically

1 Episode 142: Stephen Kershner
2 consistent, would be killing lots of
3 people every day. He has argued against
4 morality and responsibility and in
5 defense of adult child sexual
6 relationships. He's a man after my own
7 heart. And this is my interview with
8 Stephen Kirschner.

9 I am joined from Fredonia, New
10 York, by, I think, possibly the most
11 Renegade philosophy professor in the
12 country, maybe in the world, a guy I
13 discovered a while ago. I didn't tell
14 you this, Steve, but someone, I think a
15 philosophy professor told me that I
16 should have you on my show because he is
17 so unregistered and so Renegade,
18 perfect. And he says all these wild
19 things. And I said, like, what? Well,
20 here's the title of some of his books.
21 And you've written four books -- nine
22 books. I'm sorry, nine books. Just
23 four of them are titled The Case Against
24 Morality and Responsibility, Abortion
25 Hell and Shooting Abortion Doctors, Does

1 Episode 142: Stephen Kershner
2 The Pro Life Worldview Make Sense -- and
3 we'll get into that argument, too.

4 Then this one, you got into quite
5 a bit of heat over, of course, Adult
6 Child Sex: A Philosophical Defense,
7 Steve. And then -- and then, just
8 because you wanted to make Americans,
9 like, hate you completely, you wrote a
10 book called Gratitude Toward Veterans:
11 A Philosophical Explanation of Why
12 Americans Should Not be Very Grateful To
13 Veterans.

14 So you are a philosopher after my
15 own heart in many ways. Although I know
16 that you make some arguments that I
17 don't like politically, or I should say
18 are not consistent with my politics, but
19 some that very much are, and even there
20 they're complicated.

21 You make arguments. The titles
22 tell people right away these are super
23 provocative, super controversial, but
24 you make the arguments in very academic,
25 scholarly, philosophical terms. You

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2 make very rigorous arguments. And some
3 of them will be hard to understand for
4 the lay audience, and including me, by
5 the way. I've taught philosophy, but I
6 don't really have a rigorous formal
7 training in it. And we talked before we
8 started this that you're going to need
9 to present these in layman's terms. But
10 this is all completely fascinating and
11 relevant. It in a lot of ways, and I
12 think the audience is going to love it.

13 So why don't we just go through.
14 Where do you want to start? Which book
15 do you want to defend first?

16 STEPHEN KERSHNAR: Let's start
17 with the abortion book, actually. I
18 think that's --

19 THADDEUS RUSSELL: Okay. Cool.
20 Yeah. So what is the argument in your
21 book on abortion?

22 STEPHEN KERSHNAR: So my argument
23 on the book of abortion is that the kind
24 of standard pro-life view is not
25 internally consistent.

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2 And I'll just give you a few
3 examples. There's kind of like four or
4 five ways you can kind of see it. One
5 is that in general, the pro-life forces
6 do not believe that women who procure an
7 abortion should be convicted of first
8 degree murder, for example. But yet
9 they seem to think that the fetus has
10 the status of a person. It's a little
11 hard to see how you fit those together.

12 THADDEUS RUSSELL: Right.

13 STEPHEN KERSHNAR: They also often
14 argue that it's not okay to assassinate
15 abortion doctors on the way to the
16 abortion clinic. And yet, given their
17 view of the fetus as morally equivalent
18 to a child, it's a little hard to see
19 why that would not be the case. I mean,
20 for example, if you had a Nazi death
21 camp, Auschwitz, and you had one of the
22 executioners, the person who sort of
23 drops in the Zyklon B, the only person
24 can activate it and drop it in on the
25 way to work. It's not clear why it

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2 would be wrong to execute them. If you
3 can't execute them in the camp, execute
4 them on the way to camp. And yet they
5 seem to think, well, it's not okay to
6 assassinate abortion doctors. It's a
7 little hard to see what the
8 inconsistency is.

9 When it comes to -- when you link
10 the pro-life view with the religious
11 views, you get odd results in the
12 following way. We often think, for
13 example, that, well, at least Catholic
14 Church is open to it. And it makes
15 sense that if you thought the fetus was
16 a person and you killed the fetus, the
17 fetus would go to heaven, or at the very
18 least, it would not go to hell. And if
19 you allow your fetus to develop into an
20 individual, there's a chance, perhaps a
21 significant chance, that the fetus will
22 develop into a person, which will
23 eventually go to hell. It's too big a
24 risk to take. I mean, why would anyone
25 take that risk? You'd never take the

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2 risk of your child being brutalized by a
3 gang or dying in a fiery car accident if
4 a bridge was out. And yet the threat
5 here, if you believe these rigid
6 tenants, is far greater. I mean, you're
7 risking hell, which is an infinite
8 amount of suffering. It might be as
9 much suffering as direct victimization.
10 It certainly lasts a lot longer. Why
11 would you ever take that risk? It
12 doesn't seem to be an adequate answer to
13 any of these cases.

14 So it's unclear whether this view
15 hangs together. I claim that it
16 doesn't. I claim it's inconsistent.
17 And again, you can just see this with,
18 like, the first degree murder.

19 I'll give you one more example,
20 which is that people get very upset when
21 they see someone drinking or smoking --
22 when a pregnant woman drinking or
23 smoking, saying, look, you're going to
24 damage that fetus, yet they don't get
25 upset, the same people don't get

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2 anywhere as near upset when they find
3 that someone has aborted their fetus.

4 Well, it's an odd view, right,
5 that it's not okay. It's upsetting if
6 you damage your fetus, but if you on the
7 pro-life account, slaughter your fetus,
8 that's okay. Well, standardly
9 slaughtering the individual is worse
10 than maiming the individual. So it's a
11 little hard to see what would explain
12 those attitudes. So I claim in all four
13 cases, these attitudes are just
14 inconsistent and they do not have a way
15 of escaping.

16 THADDEUS RUSSELL: Whoa. Okay.
17 Dig it. Yes, I like it.

18 Yes. I recently reckoned with the
19 fact that I had heretofore not
20 acknowledged, I think, because I grew up
21 in ultra liberal, ultra feminist
22 environments, which is that pro-life
23 people -- well, maybe you just made an
24 argument against this, but the pro-life
25 people really believe that this thing is

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2 murder. The way that liberals and
3 feminists talk about it, pro-choice
4 people talk about it. The pro-life
5 argument is simply a front for misogyny.
6 It's like the Trojan horse for some
7 anti-woman agenda, right. That the
8 reason people oppose abortion is because
9 they really hate women and they want to
10 restrict the freedom of women. But it
11 occurred to me, and I sort of was
12 listening more closely to pro-life
13 people, and it just dawned on me, like,
14 oh my gosh, of course they think it's
15 murder. But then -- you're right. I
16 noticed that they weren't calling for
17 capital punishment or even putting women
18 in prison, right, for getting an
19 abortion, or doctors, for that matter,
20 except for -- I actually will say this:
21 Kevin Williamson, who's a writer for the
22 National Review, has been on the show.
23 I'm pretty sure he made the argument
24 that we should at least consider capital
25 punishment for people who get abortion.

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2 So that would be consistent, right?

3 STEPHEN KERSHNER: Yes. I would
4 be minus the problem, the heaven and
5 hell problem.

6 THADDEUS RUSSELL: Yes.

7 STEPHEN KERSHNER: I should also
8 mention one other problem I have in
9 addition to the ones I've mentioned.
10 They have a metaphysical problem as
11 well, in that when they say, well, why
12 is it right after conception, you have
13 the person's present, usually their view
14 is some sort of biological account, an
15 animalist account in particular. They
16 think that it's an organism at that
17 point in time. After conception, you
18 have an organism, and then once the
19 organism exists, the person exists.
20 Even though the organism doesn't yet
21 have a brain, there's no consciousness.
22 The organism exists. So they think,
23 okay, all right. So you're able to
24 follow that you're like a person is an
25 organism, and then you say, but you

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2 believe in heaven and hell, and in
3 heaven and hell, the organism is long
4 gone. In fact, we can see the dead and
5 rotting organism in the grave.

6 So how is it that you used an
7 organism view to explain why early
8 abortions are wrong and then you reject
9 it when you tell us about your religious
10 views. So yeah, I think you're right.
11 So even if they can get around the
12 notion that we shouldn't charge women
13 with murder and that there really is
14 nothing wrong with executing abortion
15 doctors, there's still these other
16 problems.

17 THADDEUS RUSSELL: Yeah, so are
18 you -- I know this is not the question
19 you're addressing, but it has to be
20 raised in your mind, in other people's
21 minds. Does this suggest to you that
22 they don't fully, deeply believe what
23 they're saying?

24 STEPHEN KERSHNAR: So,
25 psychologically, I don't think that's

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2 the case. I just don't think that their
3 views hang together and they don't want
4 to face the fact that they don't -- they
5 contradict one another.

6 THADDEUS RUSSELL: Oh, I see.

7 STEPHEN KERSHNAR: So I think they
8 actually do believe it, and I think they
9 have -- but for these contradictions,
10 the rest of the systems hold together.
11 It's just that these are fairly
12 troubling contradictions.

13 THADDEUS RUSSELL: Well, yeah. So
14 if you take it to its logical
15 conclusion, I agree with you and
16 completely pro-life people should be
17 shooting abortion doctors.

18 STEPHEN KERSHNAR: Right. And at
19 the very least, they should say there's
20 nothing wrong with it if others want to
21 do it.

22 THADDEUS RUSSELL: Absolutely.

23 STEPHEN KERSHNAR: Look, we would
24 have no problem if, in World War II, the
25 Jewish Resistance were assassinating

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2 executioners at Dachau or Treblinka.

3 THADDEUS RUSSELL: Yeah, of
4 course.

5 STEPHEN KERSHNER: But the numbers
6 here are staggering.

7 THADDEUS RUSSELL: These are mass
8 murderers, we're talking about.

9 STEPHEN KERSHNER: Right. I mean,
10 we're talking 40 million or more
11 abortions since Roe -- I mean, Roe v.
12 Wade. Yeah. If it really had the same
13 degree of wrongness as killing an
14 infant, it's hard to see why you
15 wouldn't tolerate violence in others,
16 think it permissible and think the
17 people who solicited the lethal
18 slaughter -- slaughter why they
19 shouldn't be severely punished.

20 THADDEUS RUSSELL: If you believe
21 it's murder. And by the way, I'm
22 agnostic on that because I don't think
23 you can prove or disprove it. Right.
24 You can't ask a fetus -- no one's ever
25 asked a fetus what they think about

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2 this, or no one's ever determined one
3 way or the other that it's murder or
4 not. But if you do believe it's murder.
5 I don't think there's a single person in
6 prison anywhere in the world who's
7 killed as many people as your average
8 abortion doctor.

9 STEPHEN KERSHNAR: I think that's
10 right. And even when you look at some
11 the leading American serial killers like
12 Gary Ridgeway, I mean, he hasn't come
13 close to this.

14 I actually disagree with you. I
15 do think there's a right answer to
16 whether or not abortion is permissible,
17 leaving aside the problems, because I
18 think it's the kind of sort of Judith
19 Jarvis Thompson argument that it's the
20 woman's body and therefore that even if
21 the fetus were a person, it's a case of
22 a trespasser. But leaving that aside,
23 whether or not the pro-choice argument
24 holds up point is the pro-life position
25 has blatant inconsistencies built into

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2 it, especially when you combine them
3 with the religious framework that often
4 accompany them.

5 THADDEUS RUSSELL: We should have
6 millions of women in prison or executed
7 by the state already and all the doctors
8 should absolutely be put to death.
9 These are mass murderers. And that's
10 what if you believe it's murder, that's
11 powerful.

12 I mean, that's something that I
13 would think pro-choice people should be
14 using against pro-life people often.
15 But they don't use that argument.

16 STEPHEN KERSHNER: No, they don't.
17 And I think one of the reasons why is
18 they don't really want to grant the
19 pro-life position that the fetus is a
20 person instead of saying let's grant you
21 your position and then go with it.

22 THADDEUS RUSSELL: Right. What
23 were you saying about the pro-life -- I
24 mean sorry, the pro-choice position,
25 what are the problems with that?

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2 STEPHEN KERSHNER: So I think that
3 the pro-choice position is true and I
4 think there's two assumptions which
5 underlie it. The first assumption is
6 that the fetus simply does not have a
7 right to be inside the woman. In the
8 case of an unwanted pregnancy, she never
9 granted permission for the fetus to be
10 inside of her. For example, in case of
11 failed contraception, in the case of
12 rape, even if she did grant the fetus
13 permission to be inside of her, let's
14 say she intentionally got pregnant, you
15 can withdraw consent just like you can
16 withdraw consent to sex. You can
17 withdraw consent to someone being in
18 your house. You can withdraw consent to
19 someone being in your body. So in that
20 sense, I think the fetus does not have a
21 right to be inside the woman, at least
22 when the fetus is unwanted. Then the
23 issue arises -- and this is where I
24 really think the action is. I don't
25 think that there's too strong an

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2 argument the fetus has a right to be
3 inside a woman. I think the real action
4 is whether or not abortion involves too
5 much force. That is, we normally don't
6 think to get someone out of your
7 apartment that you can use lethal force.

8 Now, my view is because it's a
9 bodily invasion and we can use lethal
10 force to prevent a new or an ongoing
11 bodily invasion, it's not too much
12 force. So I think we can show that it's
13 not too much force. But at least we
14 know where the action is, right, is it
15 too much force?

16 I'll just give an example of why
17 we would think it's not too much force.
18 Let's say, again -- I'm going to use the
19 Nazi example. Let's say that you had a
20 young woman in one of these Nazi death
21 camps, and the Nazi authority said,
22 look, we're going to give you one of two
23 options. You can either have sex with
24 one of the officers running the camp, or
25 you can carry one of the Nazi couple's

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2 children, for whatever reason, they're
3 unable to carry the fetus to term. It
4 seems reasonable, at least some of these
5 women would say, well, look, I'd rather
6 have sex than carry the fetus. Yet the
7 sex is the moral equivalent of rape, and
8 you can use lethal force to prevent
9 rape. If you can prevent -- use lethal
10 force, prevent rape, and this other
11 thing, an unwanted bodily invasion by
12 fetus, is worse than rape, then it
13 follows that you can use lethal force to
14 prevent that. So that's why I don't
15 think it's too much force, but at least
16 that's where I think the action is.

17 THADDEUS RUSSELL: Okay. Unwanted
18 bodily invasion. My goodness. So
19 you're comparing a fetus to a burglar
20 who breaks into your house?

21 STEPHEN KERSHNAR: Yes. Or
22 someone who imagine a man having sex
23 with a woman, and she says, you know
24 what, I agreed to have sex initially,
25 but I've changed my mind, you need to

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2 stop. If he goes on for an hour or
3 more, I think she can use lethal force
4 to make him stop.

5 THADDEUS RUSSELL: Okay.

6 STEPHEN KERSHNAR: Even though she
7 had initially granted permission, she
8 can withdraw permission, right.

9 THADDEUS RUSSELL: Right.

10 STEPHEN KERSHNAR: Why? Because
11 it's such a severe trespass upon her
12 rights. And again, it's hard to see why
13 a nine month unwanted fetus in the
14 woman's body isn't at least a severe
15 trespass as someone who's continued
16 on -- a male who continues on with sex
17 even after permission has been
18 withdrawn.

19 THADDEUS RUSSELL: Okay. What if
20 it's a wanted pregnancy?

21 STEPHEN KERSHNAR: So if the
22 wanted pregnancy, then the fetus has a
23 right to be there. If the woman changes
24 her mind, then it's similar to the case
25 in which a woman agrees to have sex with

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2 a man and then says, I actually have
3 changed my mind, withdraw my consent.

4 THADDEUS RUSSELL: So it would be
5 murder then, to you, if it's a wanted
6 pregnancy that's terminated?

7 STEPHEN KERSHNAR: So I actually
8 don't think the individual begins to
9 exist until the individual has a brain
10 and perhaps a functioning brain.

11 THADDEUS RUSSELL: Okay.

12 STEPHEN KERSHNAR: But leaving
13 that aside, given that the pro-life
14 deposition that the individual starts a
15 conception, I think there it's still --
16 it would not be murder unless the woman
17 wants it and someone else were to kill
18 it.

19 THADDEUS RUSSELL: Okay. And how
20 has this been received?

21 STEPHEN KERSHNAR: Well, I gave
22 the talk at the Society for Christian
23 Philosophers in Niagara, at Niagara
24 University, and then again at
25 Minneapolis, and the general consensus

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2 was something like the following: Well,
3 there's something wrong about it. We're
4 not quite sure what it is, but there's
5 something wrong about it. So that's --

6 THADDEUS RUSSELL: They need to
7 start locking up people and killing
8 people. That's what's wrong. It's that
9 simple, right? I mean --

10 STEPHEN KERSHNAR: Well, actually,
11 on that issue so I have a number of
12 friends who are pro-life with excellent
13 philosophers, and I asked them, so I
14 asked them individually for my former
15 colleague Dale Tugfield. So I asked
16 them, so what's wrong with shooting and
17 killing abortion doctors? Now, some of
18 them said, well, there's really nothing
19 wrong with it, but it's a bad strategy.
20 We want to win the hearts and minds of
21 the American people, and we're not going
22 to win the hearts and minds. So they're
23 like, yeah, it's just not a great
24 strategy. And others said, well, you
25 know what? Don't quote me on this, but

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2 I really can't see what's wrong with it.

3 THADDEUS RUSSELL: Of course.

4 STEPHEN KERSHNAR: So there was
5 only a couple, most notably David
6 Hershenov at the University of Buffalo
7 and Phil Reed at Canisius, who said,
8 well, among other things, it's not as
9 great a wrong as murdering an infant
10 because there is a bodily invasion
11 element. So the bodily invasion element
12 adds a partial, but not entire
13 justification to it, or it's a partial
14 excuse for it.

15 THADDEUS RUSSELL: Right.

16 STEPHEN KERSHNAR: Now, I don't
17 think this works, but at least they had
18 an argument, right? They tried to say,
19 look, it's less of a wrong than
20 murdering an infant. And so they tried
21 to sort of get around it, and that was
22 the best response I got. But a lot of
23 my pro-life friends, like I said, were
24 excellent philosophers and great people
25 as well.

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2 THADDEUS RUSSELL: They call it --

3 STEPHEN KERSHNAR: They said,
4 well, it's a bad strategy.

5 THADDEUS RUSSELL: That's weak.
6 That's a cop out.

7 But, yeah. So you have the people
8 who make the argument are saying that
9 it's sort of like a misdemeanor
10 homicide. Is that what they're saying?

11 STEPHEN KERSHNAR: Yeah, I mean,
12 what they're saying is it should be like
13 a serious misdemeanor or a lesser felony
14 than murder because there is a partial
15 excuse or partial justification.

16 It's a little hard to see why that
17 is. I mean, it's a little hard to see
18 if there is a justificational element,
19 it's going to be something like there's
20 a bodily invasion and it's a severe
21 invasion. It's a little hard to prevent
22 that from becoming a full fledged
23 justification of abortion.

24 THADDEUS RUSSELL: Right.

25 STEPHEN KERSHNAR: In the excuse,

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2 it's hard to see what the excuse feature
3 is present, right. There's no impaired
4 thinking. It's not like the woman or
5 the physician has, like, a provocation
6 or a duress or something like that, or
7 at least in some cases, those aren't
8 present. So it's hard to see why there
9 would be a broad based excuse.

10 THADDEUS RUSSELL: So
11 intellectually, we should admire the
12 people, the pro-life people who did
13 shoot and kill abortion doctors, because
14 at least they know who they are. Right.
15 They're consistent.

16 STEPHEN KERSHNAR: Exactly.

17 THADDEUS RUSSELL: Intellectually,
18 right?

19 STEPHEN KERSHNAR: Yeah. No,
20 these are guys who put their lives in
21 line to do what as best they could
22 determine was correct.

23 THADDEUS RUSSELL: If it's mass
24 murder, hey, you know, you got to do
25 anything to stop that, right?

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2 STEPHEN KERSHNAR: That's right.

3 There's very little you can't do.

4 And at the very least, not only
5 are you killing people who are on their
6 way to committing slaughter, but they're
7 fully responsible for doing so. To the
8 extent that anyone's responsible for
9 what they do, these individuals are
10 doing it right. They're competent, they
11 know what they're doing. It's
12 voluntary. They meet all the standard
13 conditions for blame worthiness.

14 THADDEUS RUSSELL: I have to say,
15 I mean, thinking about it now, and it's
16 such a devastating argument that you
17 make, I have to believe it does show
18 that their commitment to this may not be
19 as deep as many of them say it is now.
20 Because, by the way, there have been
21 many pro-life people who have shot and
22 killed abortion doctors, right, that
23 happens.

24 STEPHEN KERSHNAR: It does happen.
25 I agree with your general point. I

1 Episode 142: Stephen Kershner

2 mean, I'm not just a lot, but there's
3 been a lot of acts of violence.

4 THADDEUS RUSSELL: Yeah.

5 STEPHEN KERSHNER: But surprising
6 little killing.

7 THADDEUS RUSSELL: Yeah, true.
8 Yeah. Yeah. So, well, so I -- I
9 suspect maybe they're not so committed
10 to this as they think.

11 Six years ago, I was suffering
12 from severe anxiety and panic disorder.
13 I had gone through many years of
14 psychotherapy, but it had never made me
15 feel any better. So a friend of mine
16 recommended that I put this app on my
17 phone called Headspace and give it a
18 try. They gave me a free one-month
19 trial, which is what we're offering to
20 you now, for a serious discount. And I
21 did. And after one session, just one, I
22 felt my body change as if my chemistry
23 had changed. I felt my relationship to
24 the world and to myself transform almost
25 immediately. And I noticed and have

1 Episode 142: Stephen Kershner
2 noticed for the last six years that
3 every day I use Headspace, I feel better
4 and it's a better day. It's one of the
5 most remarkable transformations I've
6 ever gone through psychologically. It
7 has helped me more than anything I've
8 ever done, more than ten years of
9 psychoanalytic psychotherapy.

10 I have been telling my friends
11 ever since then to try Headspace, and
12 many have, and many now consider it to
13 be essential to happiness and a good
14 life. Headspace trains you to be here
15 and now in the moment, present in your
16 own body and in the immediate space
17 around you. It trains you to keep out
18 all these thoughts of fear and anxiety
19 and sadness that haunt you for much of
20 the day. It gives you, in a sense, a
21 space of freedom, and I would say also
22 pleasure, because I'm now able to enjoy
23 life, enjoy the world around me.
24 Whereas before, there was often this
25 screen of anxiety and fear between me

1 Episode 142: Stephen Kershner
2 and the rest of the world. Headspace
3 has changed my life over the last six
4 years.

5 It is also scientifically proven.
6 According to many, many studies by
7 scientists, people who use Headspace and
8 meditate using mindfulness have less
9 anxiety, less stress, less tension, less
10 depression.

11 So right now, you have a chance to
12 change your life in a similar way. And
13 from the bottom of my heart, I recommend
14 this product like no other. In fact, I
15 told my producers when we first started
16 this show three years ago that it would
17 be my dream to one day have a sponsor in
18 Headspace. I was beyond thrilled when
19 they asked.

20 So go to [Headspace.com/Renegade](https://www.headspace.com/renegade) to
21 get a free one month trial. Free. Give
22 it a try, and I'd like to hear how you
23 like it. Email me at
24 unregisteredpodcast@gmail.com.

25 Again, that's

1 Episode 142: Stephen Kershner
2 Headspace.com/Renegade. One more time:
3 Headspace.com/Renegade for your free
4 one-month trial that I can virtually
5 guarantee you will change your life for
6 the better.

7 You deserve to feel better, to be
8 happier, to be more serene, to be more
9 in the moment, to be more inside of your
10 body. Please do it.
11 Headspace.com/Renegade, and let me know
12 how it goes for you. Thank you so much.

13 You've heard me tell you the story
14 about Paloma Verde CBD, the company out
15 of San Antonio, Texas, owned and
16 operated by Carlos and Vanessa Abuilar.
17 You've heard me tell you about how they
18 went to the banks to get loans and
19 accounts and were denied both because
20 they were a, quote, marijuana-related
21 business. I've told you that they
22 persevered because both of their fathers
23 suffered from a lifetime of chronic pain
24 and both were helped by CBD. I've told
25 you that Carlos and Vanessa pursued

1 Episode 142: Stephen Kershner
2 their project despite the government
3 shutting down the businesses in San
4 Antonio last spring, which meant
5 shutting down their brand new gorgeous
6 brick and mortar store that they had
7 poured their heart and soul and a lot of
8 money into. I've told you all that.
9 But that's not why you're going to buy
10 their CBD, because you are very smart.
11 You're going to buy their CBD because
12 they're giving you 25% off. Seriously,
13 this is the best deal you're going to
14 get on CBD, and a lot of you are going
15 to buy CBD. So just get it from Carlos
16 and Vanessa at Paloma Verde.

17 So not only the 25% off all their
18 products for an Unregistered listener,
19 you go to Palomaverderstore.com and use
20 the discount code Renegade, okay, 25%
21 off everything. You get an additional
22 10% off if you just join their mailing
23 list. So if this is the first time for
24 you, you're probably going to get 35%
25 off your first order. Then on top of

1 Episode 142: Stephen Kershner
2 that, they put together my favorite --
3 my three favorite Paloma Verde products
4 into what's called the Unregistered
5 Combo Pack, otherwise known as the Thad
6 Pack. And this is their, proud to say,
7 best selling item. What you get in the
8 Thad Pack are their gummies, which are
9 as good as any candy. Oh, that's a good
10 shot right there. And you get ten
11 milligrams of CBD in each one. I eat
12 these like crazy. I love them. Come in
13 many fruit flavors. You get their soft
14 gels, 25 milligrams per soft gel. And
15 as I've said many times, I use between
16 two and six of these per day, depending
17 on how much Twitter is aggravating me.
18 But my favorite, as I've said many
19 times, is their high potency tincture.
20 Just before I started recording this, I
21 put several drops under my tongue, and
22 I'm feeling good. So go to
23 Palomaverdestore.com, use the discount
24 code Renegade change your body, feel
25 better, change your life and I thank

1 Episode 142: Stephen Kershner
2 you.

3 All right, there's that book.
4 Nice. Love it. And this is probably
5 maybe the least controversial one.
6 Which one do you want to do next?

7 STEPHEN KERSHNER: Let's do the
8 Adult Child Sex. That's always a big
9 seller.

10 THADDEUS RUSSELL: Oh, yeah.

11 STEPHEN KERSHNER: Well, I had
12 good friends who said, Are you crazy?
13 Do not write that book.

14 THADDEUS RUSSELL: Man, listen,
15 you're talking to a guy who for 25 years
16 has been making arguments, more or less
17 in defense of adult child sex in
18 classrooms. I don't know if it's the
19 same argument as yours, but I even
20 authored a piece in The Daily Beast in
21 which I called into question the age of
22 consent laws, which is -- and I brought
23 to bear the arguments I was making in
24 class. And I'm going to see whether
25 they jive or not.

1 Episode 142: Stephen Kershner

2 So adult child sex, Steve, so
3 that's just the dumbest thing you could
4 possibly argue. If you're interested in
5 a career, if you're interested in
6 respectability, if you're interested in
7 being invited to dinner parties. So
8 let's start there. Why on God's green
9 earth are you as crazy as I am in taking
10 on this argument?

11 STEPHEN KERSHNER: So it's funny.
12 So I actually got interested in a kind
13 of a roundabout way. What I was
14 interested in is whether or not an act
15 is wrong because it's harmful. So I
16 actually got interested in it for
17 theoretical reasons, because this seemed
18 to be like a paradigm case. There's
19 actually some meta studies which seem to
20 suggest that in some cases, at least
21 with regard to adult males and underage
22 males, that it's not harmful. Or if it
23 is harmful, we can't decide whether the
24 harm is due to the sex itself or the
25 fact that society goes berserk over it.

1 Episode 142: Stephen Kershner
2 And so one of the articles I was reading
3 said, look, this is wrong. We don't
4 need to know whether it's harmful. The
5 empirical question of whether or not
6 there's any long term harm we could
7 track on this is really beside the
8 point. And I was kind of struck with a
9 question. I thought, well, it's not
10 obvious to me why that is. I mean, this
11 standard, kind of other argument is that
12 it's a right infringement. And I wasn't
13 sort of convinced by that argument. And
14 also when it comes to hebephilia rather
15 than sort of adult child sex. So sex
16 with, like, young teens, it's not clear
17 to me. There's at least some reason to
18 believe that individuals are designed by
19 evolution to begin reproduction at that
20 period. So if they're designed by
21 evolution to begin reproduction, it's
22 not clear why it would be physically
23 either harmful or emotionally harmful.
24 And so there was kind of like three
25 different explanations, none of which

1 Episode 142: Stephen Kershnar
2 convinced me. One was that it was
3 harmful, and I thought, well, there's at
4 least some empirical -- there's at least
5 a controversy whether that's empirically
6 true. There's the right infringement
7 case that they can't give their valid
8 consent, and therefore it's wrong in
9 virtue of being a right infringement.
10 And there's a view that it's
11 exploitative, that even if it's not
12 harmful, even if it's not a right
13 infringement, it's somehow an
14 exploitation.

15 THADDEUS RUSSELL: I've heard all
16 these yes, okay.

17 STEPHEN KERSHNAR: Right. So
18 those are the three dominant arguments,
19 and none of these convince me.

20 THADDEUS RUSSELL: Me neither.

21 STEPHEN KERSHNAR: So the harm
22 argument, well, there's actual empirical
23 controversy over this.

24 THADDEUS RUSSELL: Sure. Yeah.

25 STEPHEN KERSHNAR: On the rights

1 Episode 142: Stephen Kershner
2 based argument, I think we make children
3 do all sorts of things that they don't
4 want do.

5 THADDEUS RUSSELL: Thank you.

6 STEPHEN KERSHNER: We make them go
7 to church, we make them go to the
8 temple, we tell them to go to school,
9 they got to go to the dentist, they got
10 to go to this sister's ballet recital,
11 and we don't care what they say, and
12 they want to do things, we say no.
13 Right.

14 THADDEUS RUSSELL: Exactly.

15 STEPHEN KERSHNER: They don't want
16 to stay up and watch Creature Feature on
17 WPIX until two in the morning.

18 THADDEUS RUSSELL: That is all a
19 child's life is; coercion.

20 STEPHEN KERSHNER: That's right.

21 THADDEUS RUSSELL: It's coercion
22 by adults -- and often to make the child
23 do something for the adult's pleasure
24 only.

25 STEPHEN KERSHNER: That's exactly

1 Episode 142: Stephen Kershnar
2 right. Yeah. You're going to go to
3 your great uncle's funeral even though
4 you want to go and he's not in your
5 interest.

6 THADDEUS RUSSELL: Right.

7 STEPHEN KERSHNAR: So the rights
8 based argument is a little bit hard to
9 follow. In addition, at least in some
10 cases, certainly with hebephilia and
11 sort of underage sex.

12 THADDEUS RUSSELL: What's the
13 word? What's the word about hebephilia?

14 STEPHEN KERSHNAR: Hebephilia
15 would be like kind of young, younger
16 teens.

17 THADDEUS RUSSELL: Okay.

18 STEPHEN KERSHNAR: Just statutory
19 read cases right, where the person's
20 under the age of -- age of consent,
21 which actually, as you know, varies
22 quite a bit between states.

23 THADDEUS RUSSELL: Indeed.

24 STEPHEN KERSHNAR: In those cases,
25 the individuals seem to be willing,

1 Episode 142: Stephen Kershnar
2 right. So it's not like you even have
3 you sort of dragging some kicking and
4 screaming into doing something they
5 don't want to do.

6 The third thing with exploitation
7 is really bizarre because exploitation
8 occurs when there's kind of a
9 transaction and both sides benefit from
10 it, but one side, usually the side with
11 a stronger bargaining position takes an
12 unfair share of the transaction surplus.
13 That is, they take more than just share
14 of the benefit of the transaction.

15 THADDEUS RUSSELL: Right.

16 STEPHEN KERSHNAR: And you think,
17 okay, well, even if that's true, one,
18 it's never clear to me why exploitation
19 is wrong. But even if that were not the
20 case right, because it's a mutually
21 beneficial trade.

22 THADDEUS RUSSELL: Exactly.

23 STEPHEN KERSHNAR: But even if
24 that were not the case, it wasn't clear
25 to me, well, how do we know that the

1 Episode 142: Stephen Kershnar
2 underage -- you know, the young teenager
3 or the late prepubescent child isn't
4 gaining as much from this, especially if
5 they're a willing participant, and even
6 if they didn't gain as much, how do we
7 know there aren't enough of other
8 benefits, right?

9 If someone -- you had a tutor,
10 who's tutoring them in literature or the
11 violin, why wouldn't the package of
12 benefits be such that they're gaining
13 more than their fair share of the
14 transaction surplus?

15 So I thought, well, look, there
16 are three different explanations. The
17 first one is in empirical controversy,
18 and it's an odd view that whether or not
19 it's permissible depends on the outcome
20 of these studies.

21 THADDEUS RUSSELL: Right.

22 STEPHEN KERSHNAR: The second view
23 just seems to be a nonstarter, right, we
24 don't think that children have to give
25 valid consent for pretty much anything

1 Episode 142: Stephen Kershnar
2 we do to them, especially if they're
3 willing participants. We don't say,
4 well, child can't play kickball because
5 they can't consent to it even though
6 they really want to play kickball.

7 And then last exploitation, again,
8 I don't think exploitation is wrongful.
9 I'm not exactly sure even what makes
10 something exploited.

11 THADDEUS RUSSELL: Exactly.

12 STEPHEN KERSHNAR: If there were,
13 I'm not sure what makes it wrongful.
14 And even if it were wrongful, it's not
15 clear that it occurs in most cases of
16 adult child sex, or even let alone all
17 of the cases.

18 THADDEUS RUSSELL: Yes.

19 STEPHEN KERSHNAR: So that's why I
20 thought I looked into it. The other
21 thing I felt free to write it is because
22 I'm not a pedophile, and I don't engage
23 in adult child sex. So I thought, in
24 some sense, I don't care if people
25 attack me personally on it, because it's

1 Episode 142: Stephen Kershner
2 not something that involves me directly,
3 whereas someone who is actually
4 interested in this stuff, obviously
5 they'd want to keep a low profile, they
6 wouldn't want to argue for it. So in
7 some sense, I'm free to make the
8 argument in the sense that whatever.
9 You can call me all the names you want,
10 it doesn't mean that it doesn't diffuse
11 my argument.

12 THADDEUS RUSSELL: The only time
13 I've ever gotten a death threat, really,
14 from something I've written was the
15 piece in the Day -- I wrote it in the
16 Daily Beast about twelve years ago,
17 about Roman Polanski.

18 STEPHEN KERSHNER: I really need
19 to read that. That sounds interesting.

20 THADDEUS RUSSELL: Yeah, it's a
21 real short piece, but you and I think
22 very much alike on this. I kind of
23 attack all those arguments that are
24 made. Yeah, I mean, I say, come on,
25 children are coerced all day, every day

1 Episode 142: Stephen Kershner
2 to do all sorts of stuff, including
3 stuff that is purely for the adults
4 gratification, which is also dangerous,
5 like playing tackle football.

6 How many boys are coerced by their
7 dads into playing tackle football when
8 they really don't want to, which we now
9 know causes serious brain damage, right.
10 Need I go on? I mean, there's just time
11 after -- instance after instance of
12 adults coercing children to do things
13 that they don't want to do. It's just
14 nonstop coercion. It's really a
15 plantation. I mean, it's the family, is
16 it not? There's no freedom in a family,
17 right?

18 STEPHEN KERSHNER: That's right.
19 And there's also, like, oddities. So
20 take statutory rape law. Now, of
21 course, the age of consent varies from
22 some states, but take a state where the
23 age of consent is 17 or 18 and let's say
24 there's a four-year window. So you have
25 a 23 year old, has sex with a 16 year

1 Episode 142: Stephen Kershner
2 old and you think, okay, well, that's a
3 felony. The person is going to do real
4 prison time for that. And you think,
5 yeah, but if the 16 year old had sex
6 with another 16 year old that you think,
7 okay, at least in some cases where they
8 have Romeo and Juliet clauses which
9 require you to be like a three or
10 four-year window, you say, well, that's
11 okay. Well, why is it harmful or right
12 infringing or has some other wrong
13 making feature for a 16 year old woman
14 to have sex with a 23 year old? But
15 it's not if she has sex with a 17 year
16 old, like what happens in the six years
17 that turns nearly identical sex into --
18 from perfectly outside the criminal law
19 to something of a serious felony.

20 Now, one of the arguments you get
21 is, well, look, overall the consequences
22 are better if we have this law in place.
23 Okay. I mean, perhaps. I'm not
24 entirely sure this is the case. But
25 one, the burden should be on the people

1 Episode 142: Stephen Kershner
2 trying to criminalize it to show this is
3 the case. Given how infrequently the
4 stuff is prosecuted, it's not obvious to
5 me that they could carry the burden.
6 But in addition, we got to be a little
7 careful about these sort of good
8 consequences argument because there's
9 lots of things that at least I think we
10 should protect liberty even if it
11 doesn't have the best results. So
12 I'm -- I'm kind of a liberty freak and I
13 tend to think, look, there's a lot of
14 things that are probably overall pretty
15 harmful things, for example, like eating
16 at fast food or drug use or dropping out
17 of high school or things like that. So
18 it's not clear to me that we should
19 criminalize these things even if they
20 have overall worse results.

21 So consequences are not going to
22 justify criminalization in these other
23 cases. It's not clear that merely
24 because it produces bad consequences to
25 allow the sex to occur, does that mean

1 Episode 142: Stephen Kershnar

2 we should criminalize it?

3 THADDEUS RUSSELL: Right.

4 STEPHEN KERSHNAR: So that's my
5 concern.

6 THADDEUS RUSSELL: Yeah, no,
7 that's great. And to me I always say so
8 what is the magical thing that happens
9 on the moment you turn 18? There's this
10 magical gigantic wall between 18 and
11 after 18 where this is a radical change.
12 You can have legal sex one minute -- you
13 can't have legal sex one minute and the
14 next you can. It's utterly bizarre.
15 But then to me also, the really
16 devastating, just empirical case against
17 it is Americans are so sure we're right
18 about this. But look around the world.
19 Look at age of consent laws around the
20 world. I mean, you have European
21 countries and advanced industrial
22 democracies that have age of consent
23 laws that are 13, 14 and 15. In fact,
24 that's the norm in Europe, those ages.
25 We are much higher than almost all other

1 Episode 142: Stephen Kershnar
2 countries. They range all over the map,
3 all over the world from I think some
4 countries have it at 12 even; 12 to 24.

5 STEPHEN KERSHNAR: And they range
6 considerably in the US, too, between
7 those have like 16 and those of 18.

8 THADDEUS RUSSELL: That's right.

9 STEPHEN KERSHNAR: States that
10 have Romeo and Juliet laws and those
11 that don't. Also, you look at human
12 history, right. I mean, the motion that
13 we have these statutory rape laws is a
14 relatively new thing in human history.
15 As you know much better than me it is
16 fairly recent development.

17 THADDEUS RUSSELL: Oh yeah. Both
18 pederasty and incest were -- they may
19 have been illegal in places, but the law
20 wasn't really enforced, certainly
21 through the Middle Ages. I mean that's
22 pretty much I think the consensus is
23 that there was incest that was pretty
24 rampant and no one just talked about it,
25 there was no discourse about it. It was

1 Episode 142: Stephen Kershnar
2 a nonissue until the modern era.

3 STEPHEN KERSHNAR: Right. And on
4 some accounts, some of these laws were
5 really aimed at preventing rape. And
6 also you have these other exceptions, in
7 addition to the Romeo and Juliet laws,
8 you have the kind of marriage
9 exceptions. Somehow when you have
10 marriage, the sex that would otherwise
11 be a felony, becomes something that you
12 can't prosecute depending on the state.
13 Which tells us that what we're really
14 trying to do is we're trying to protect
15 against emotional harm or against sort
16 of unwanted pregnancy. It's not clear
17 that the sex per se is the problem, it's
18 the consequences. And again, I'm not
19 completely unsympathetic the notion that
20 certain things have such horrendous
21 consequences in aggregate that we want
22 to criminalize them. But I think, one,
23 it's clear who should bear the burden of
24 proof on that. And two, there's a
25 certain price to be paid. I mean, every

1 Episode 142: Stephen Kershner
2 time you put someone in jail for years,
3 there's a huge cost to the individual,
4 let alone to society. And you have to
5 show that the cost benefit analysis
6 supports this.

7 THADDEUS RUSSELL: There's a very
8 slick, sophisticated postmodern
9 argument, I guess, that says that the
10 culture is what causes the harm in
11 people. The cultural assumptions is
12 what causes people to feel as if they've
13 been harmed, which ends up feeling like
14 actual harm, right.

15 And we know psychosomatic
16 illnesses, it's real. It's real. Okay?
17 I've had them. I don't deny it at all.
18 They're realness in that way. But there
19 is no physical basis for it. And there
20 have been studies that have shown, I
21 think there have been many studies that
22 I think a majority of so called victims
23 of child sex abuse basically felt bad
24 mostly about the fact that they enjoyed
25 it.

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2 STEPHEN KERSHNAR: That's
3 interesting.

4 THADDEUS RUSSELL: That there's a
5 huge amount of guilt about having
6 enjoyed it or having wanted it in some
7 way right, among many. Which again so
8 that tells me that society tells us 24/7
9 that this is the worst thing you can do.

10 STEPHEN KERSHNAR: Right.

11 THADDEUS RUSSELL: This is the
12 worst thing. I mean, being a Nazi is
13 better than this. Right. What do mass
14 murderers do in prisons? They kill the
15 pedophiles, right.

16 STEPHEN KERSHNAR: Right. That's
17 right. The pedophiles are like, morally
18 below them.

19 THADDEUS RUSSELL: This is the
20 bottom of the bottom of the bottom,
21 right?

22 STEPHEN KERSHNAR: Right. Right.
23 Right.

24 THADDEUS RUSSELL: Yeah.

25 STEPHEN KERSHNAR: At the very

1 Episode 142: Stephen Kershner

2 least, we'd want to disentangle those
3 effects. Right? I mean --

4 THADDEUS RUSSELL: Yeah.

5 STEPHEN KERSHNER: -- you might
6 think that -- so for a while, there were
7 laws which prevented -- in Virginia
8 until 19 -- I think it was 1967 laws
9 which prevented interracial marriage and
10 in some cases, interracial sex. And you
11 might think, look, imagine we discovered
12 that these things were harmful to the
13 participants, I don't know exactly how
14 we showed up. But imagine some long
15 term psychological study. We'd want to
16 know, well, is the harm due to the fact
17 that society disapproves of it, or is
18 there something kind of the way in which
19 human beings are structured
20 psychologically?

21 THADDEUS RUSSELL: Right.

22 STEPHEN KERSHNER: And until we
23 can disentangle those effects, we don't
24 know which is producing it.

25 THADDEUS RUSSELL: That's right.

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2 STEPHEN KERSHNAR: So I think at
3 the very least, we could say, look, we
4 need to know what's causing the harm, if
5 there is any harm.

6 THADDEUS RUSSELL: Right.

7 STEPHEN KERSHNAR: And also, in
8 looking at harm, we want to separate out
9 those individuals who were willing
10 participants and those who are unwilling
11 participants, because it's entirely
12 unsurprising that unwilling participants
13 were harmed. It's true for the adults,
14 it's entirely plausible that it would be
15 very much true for underage individuals.

16 THADDEUS RUSSELL: Right.

17 STEPHEN KERSHNAR: But the
18 interesting cases with regard to willing
19 participants, are those individuals
20 harmed? And there I think, look, I
21 mean, again, there's a controversy, and
22 at the very least, we'd want to know the
23 answer to that. And then with regard to
24 individuals that are harmed, but we're
25 willing participants, we want to

1 Episode 142: Stephen Kershnar
2 separate out well, what's causing that?
3 Is it the disapproval.

4 THADDEUS RUSSELL: Right. My
5 other empirical argument is I just ask
6 the audience, do you know of anyone who
7 had an illegal relationship in this way?
8 Do you know of anyone? Right. It's
9 legion. I mean, I've known dozens and
10 dozens of people who had illegal
11 relationships when they were 15, 16 and
12 the other person was in their 20s. And
13 especially, by the way, gay men, gay
14 men, it's super common for the first
15 sexual experience to be with a man. And
16 I have talked to many, many gay men who
17 have described those experiences as
18 fantastic and wonderful. Right.

19 STEPHEN KERSHNAR: That's -- gay
20 men tell me that as well. And they all
21 seem to say that, look, it allowed them
22 to sort of discover their sexuality,
23 become more comfortable with it.

24 THADDEUS RUSSELL: Right.

25 STEPHEN KERSHNAR: But yeah, I

1 Episode 142: Stephen Kershnar
2 mean, same thing with just heterosexual
3 cases. It even shows up in Law and
4 Order SVU when Olivia Benson, she said,
5 look, I had one of these relationships.
6 I thought it was fantastic at the time.

7 THADDEUS RUSSELL: Oh, yeah.

8 STEPHEN KERSHNAR: And given that
9 she's SVU, you'd expect a much harder
10 edged attitude. So I mean, even the
11 anecdotes are mixed. I'm a little
12 skeptical when you take away people's
13 liberty about resting on anecdote. But
14 to the extent that you do rest anecdote,
15 you should at least have a unified
16 account of anecdotes.

17 THADDEUS RUSSELL: Do you have --
18 and this is not my favorite question, so
19 feel free to just kick this away, but do
20 you have ideas about what the law should
21 be?

22 STEPHEN KERSHNAR: So in general,
23 my first view is going to be the
24 minimalist account, which is that it
25 should be an empirically driven law and

1 Episode 142: Stephen Kershnar
2 that the burden is on those people who
3 want to criminalize it. So one account
4 is to say, look, at least into the
5 middling teenage years, let's say 14
6 onward or so, that the burden is going
7 to be on the person who wants to
8 criminalize it to show that there's
9 either real harm or there's a right
10 infringement that's going on here. So
11 that the idea is the default position,
12 not criminalization; the default
13 position is legalization.

14 THADDEUS RUSSELL: Okay.

15 STEPHEN KERSHNAR: After that, I
16 kind of go back and forth because --

17 THADDEUS RUSSELL: Sorry, are you
18 talking about prepubescent and
19 postpubescent?

20 STEPHEN KERSHNAR: So I'm talking
21 pubescent first, right?

22 THADDEUS RUSSELL: Yeah. Okay.

23 STEPHEN KERSHNAR: And then I'll
24 get the prepubescent next.

25 THADDEUS RUSSELL: Got you.

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2 STEPHEN KERSHNER: So on the
3 prepubescent case there because, again,
4 a lot of prepubescent sex with adults
5 with prepubescent children doesn't
6 involve intercourse, involves various
7 forms of sexual contact, but not
8 intercourse. There, I've kind of mixed
9 views. I mean, I have the strong
10 suspicion that this stuff is going to be
11 harmful in the aggregate, that it's sort
12 of a dangerous road to go down. On the
13 other hand, I have these other views,
14 which is you couldn't criminalize
15 something unless you can show that it
16 really is harmful in the aggregate. And
17 also the view there's no direct wrong
18 maker other than aggregate harm. And
19 then the additional view that I'm not
20 sure that harm is a great test for what
21 we want to criminalize because lots of
22 our liberties might involve activities
23 that are indeed harmful and we shouldn't
24 criminalize them. We still shouldn't
25 criminalize them because of the value we

1 Episode 142: Stephen Kershnar
2 place on liberty.

3 So I'm kind of undecided as to
4 what to do with the sex between adults
5 and prepubescent and children. What's
6 your take on this?

7 THADDEUS RUSSELL: Gosh, I don't
8 see a reason for the laws. I see that
9 they've done massive amounts of harm in
10 this country. So you have about a
11 million people on the sex offender
12 registry forever.

13 STEPHEN KERSHNAR: Right.

14 THADDEUS RUSSELL: And that ranges
15 from people who have tied children down
16 and raped them to people who were 19 and
17 had sex with their 17 year old
18 girlfriend.

19 STEPHEN KERSHNAR: Right.

20 THADDEUS RUSSELL: And everything
21 in between. And I have many, many
22 friends who began relationships when
23 they were teenagers and they dated,
24 like, their professors or their 30 year
25 old math teachers in high school and

1 Episode 142: Stephen Kershnar
2 then had a relationship for another
3 three, four, five, six, ten years. My
4 ex-wife is now married to her
5 ex-professor. After me, she went
6 back -- and he's 20 years older. And
7 it's also like the cultural taboo, the
8 stigma is so intense, as I said. It's
9 the worst thing. You don't think we do
10 enough policing of this on our own as a
11 society. The cultural reflex is to, as
12 I said, kill these people. And that
13 kind of does happen. And there's a
14 tremendous amount of policing going on.

15 STEPHEN KERSHNAR: Once you're on
16 the registry, what happens to people is
17 horrendous.

18 THADDEUS RUSSELL: Oh, yeah.

19 STEPHEN KERSHNAR: Stories are --
20 you raised a really good point. And the
21 other thing is, at all times, rape is
22 going to be severely punished. So it's
23 not like we don't have a way to stop
24 unwilling sex, or in the case of
25 teenagers, unconsented to sex. So we

1 Episode 142: Stephen Kershnar
2 have a fairly severe mechanism by which
3 to deal with that.

4 THADDEUS RUSSELL: Right.

5 STEPHEN KERSHNAR: So I think you
6 raise a good point. So with the
7 prepubescent children and the adults as
8 an overall policy, I kind of go back and
9 forth. I'm very sympathetic to your
10 approach in terms of lowering the
11 statutory rape law, I think there's an
12 excellent case for that.

13 THADDEUS RUSSELL: Oh, yeah.

14 STEPHEN KERSHNAR: So I think very
15 strong case for that. But to be honest,
16 when I discuss these things -- and I
17 normally don't discuss them because
18 people just do not want to hear they
19 don't want to discuss it. They find it
20 completely beyond the pale. Like you,
21 I've gotten all sorts of kind of not
22 threats, but various threatening
23 messages. At one point in time, my
24 department secretary contacted the
25 police because of sort of messages that

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2 people are leaving on the phone for me.

3 THADDEUS RUSSELL: Oh, boy. I

4 bet.

5 STEPHEN KERSHNAR: Yeah. There's
6 just no interest in discussing this and
7 pursuing this whatsoever. And I think
8 it's exactly what you're saying, that
9 the background ideas. Look, anyone
10 doing this is a scumbag, and so who
11 cares whether it's just or unjust.

12 THADDEUS RUSSELL: Right.

13 STEPHEN KERSHNAR: I think this is
14 atrocious. I mean, you're just throwing
15 away people's lives, like you said,
16 doing enormous damage to people without
17 an adequate case for doing something.

18 THADDEUS RUSSELL: Yeah. And I
19 think it's a very important issue. This
20 is not just a couple of academic
21 provocateurs right. Sitting on our
22 ivory tower. I mean, we are that, but I
23 think it's actually very important. I
24 think it speaks to for America why we
25 have such high age of consent laws

1 Episode 142: Stephen Kershner
2 relative to other countries, speaks to
3 our puritanism. It speaks to the
4 puritanism of our culture and it's
5 foundational, right? Number one. And
6 number two, it speaks to -- I mean,
7 Sigmund Freud had the big explanation
8 for this, which I find quite persuasive,
9 which is that civilization requires the
10 taboo on incest, because civilization
11 requires a hierarchy. And in the
12 family, if everybody's having sex with
13 everyone else, the hierarchy breaks
14 down, and therefore there's no more
15 model for a civilization within the
16 family. And therefore you then have
17 wild savages being produced out of those
18 kinds of families, which, if you look at
19 the Middle Ages, when, as I said, incest
20 was normal, you can make a case for
21 that. There was a lot of wild, savage
22 activity uncontrolled. So civilization
23 in the modern era, Freud says and
24 Foucault says this to some extent as
25 well, civilization cracked down on that

1 Episode 142: Stephen Kershnar
2 hard and first -- that's the first
3 taboo, Freud said, the first thing that
4 they had to crack down on. Because
5 again, the father needs to be the head
6 of the family and if he's having sex
7 with his daughter, then who's who and
8 where's where and what's what. Right.
9 And it's a speculative theory, but I
10 think it's pretty I'm persuaded by it.
11 But I'm certainly --

12 STEPHEN KERSHNAR: Well, in
13 support of the puritanism, I mean, we do
14 criminalize plural marriage, for
15 example.

16 THADDEUS RUSSELL: Yeah. Right.
17 Mormons.

18 STEPHEN KERSHNAR: Recently we
19 allow for gay marriage. There's a
20 number of policies. It's a little hard
21 to see how they fit easily with a
22 society that places primary emphasis on
23 liberty.

24 THADDEUS RUSSELL: Yeah.

25 STEPHEN KERSHNAR: Right. And

1 Episode 142: Stephen Kershner
2 also places some sort of emphasis on
3 evidence. I mean, what would be the
4 evidence that plural marriage or gay
5 marriage in some ways makes us worse
6 off? It's a little hard to see what the
7 evidence is for it.

8 THADDEUS RUSSELL: Right. Yeah.
9 And it would punish just countless --
10 has already punished countless people
11 who did things that by anybody's lights,
12 were completely consensual, even if they
13 were 16 or 17. Because when that
14 woman -- usually it's a woman turns 18,
15 19, 20, becomes a full fledged adult,
16 she still says, oh, there was nothing
17 nonconsensual about that.

18 STEPHEN KERSHNER: Right. That's
19 right. So one of the things yeah. When
20 you see that if this were to exist,
21 you'd have retrospective consent.

22 THADDEUS RUSSELL: Yeah.

23 STEPHEN KERSHNER: In addition,
24 for a long time, they didn't prosecute
25 it. So even it was in the books, I

1 Episode 142: Stephen Kershner
2 think through the 70s, it was rare that
3 the statutory rape, for example, was
4 prosecuted, which tells you that people
5 might have wanted some symbolic
6 statement against it, but they really
7 didn't think that it was worth pursuing,
8 which suggests that they don't think
9 it's a wrong making feature. Maybe it's
10 one of the cases where you want to get
11 in the books that you're expressing
12 disapproval and then just not act on it
13 whatsoever.

14 THADDEUS RUSSELL: Yeah. I know
15 you've written about pornography. Have
16 you written about sex work? Because
17 this is relevant, right, because --

18 STEPHEN KERSHNER: I've not
19 written about sex work. I've written
20 about pornography.

21 THADDEUS RUSSELL: Right.

22 STEPHEN KERSHNER: And that was
23 another area which I thought was
24 fascinating. And, I don't know, do you
25 want me to talk about that?

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2 THADDEUS RUSSELL: Let me just say
3 yeah, I do. But my point there was that
4 in sex work this is really relevant
5 because of course, anybody under the age
6 of 18 who sells sex, it is considered
7 not just prostitution, it's considered
8 sex slavery and trafficking. That's
9 just by definition. You are going to
10 prison for a long time if you ever are a
11 pimp for a 17 year old.

12 STEPHEN KERSHNER: Sure.

13 THADDEUS RUSSELL: And the thing
14 is, of course, that many, if not most 16
15 and 17 year old sex workers say that
16 they're doing this because they want to
17 do it or it's preferable to their other
18 options. And so they don't want to be
19 punished and they shouldn't be punished.
20 So yeah. What's your take on
21 pornography? Let's do this. Have you
22 written a book or just an article on
23 this?

24 STEPHEN KERSHNER: I have a couple
25 of articles and it shows up in some of

1 Episode 142: Stephen Kershner
2 the books. So again, oddly enough, I
3 got, in a roundabout way, like, getting
4 into these kind of unpopular, gritty
5 issues, and sometimes I just enter for
6 theoretical purposes.

7 So violation photograph, which
8 involves pornography, in which there's
9 some sort of either illegal or unjust
10 sex so that the -- the actors appear to
11 be reenacting a rape or one of the
12 participants is underage, even though
13 oftentimes a woman is not actually
14 underage, but pick someone who's young
15 enough and looks underage. And the
16 question is, this stuff is enormously
17 popular. And it's not just enormously
18 popular in pornography, it's enormously
19 popular in people's fantasies. One way
20 you can see this is by just asking
21 people, do you have rape fantasies?
22 Surprisingly number of women have rape
23 fantasies.

24 THADDEUS RUSSELL: A huge number,
25 yes.

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2 STEPHEN KERSHNAR: And also just
3 look at romance novels, right? It's
4 surprisingly common that romance novels
5 involve either involuntary sex or sort
6 of quasi voluntary sex.

7 THADDEUS RUSSELL: They involve
8 women being taken. Being taken is the
9 term. Yeah.

10 STEPHEN KERSHNAR: Right. Some of
11 these experiments seem to have suggested
12 when they actually did -- they actually
13 did the polling results, things like
14 that, they seem to suggest that women
15 actually have rape fantasies. It's
16 certainly the case that men have rape
17 fantasies. In fact, you can show that
18 men are fairly turned on by graphic
19 depictions of involuntary sex with
20 women.

21 So what I was curious is whether
22 or not it's bad or wrong to watch this,
23 because it looks like something
24 inappropriate about it. I mean, you're
25 enjoying something which would normally

1 Episode 142: Stephen Kershner
2 be horrendously wrong. Doesn't look
3 like it's something that virtuous people
4 would do.

5 THADDEUS RUSSELL: Right.

6 STEPHEN KERSHNER: And so it seems
7 to be vicious, rather virtuous, and in
8 that sense it would probably be bad.
9 There's also an issue of whether it's
10 wrong. They're a wrong making feature.
11 We tend to think if your teenage son
12 were watching this, you'd say, hey, stop
13 watching this stuff. It's the wrong
14 thing to do.

15 THADDEUS RUSSELL: Right.

16 STEPHEN KERSHNER: And so you're
17 never at a party where someone says,
18 hey, my wife have really good sex
19 relations, but when she's out of town on
20 a business trip, I watch violation
21 pornography. It never happens. There's
22 something really objectionable about
23 this.

24 THADDEUS RUSSELL: Right.

25 STEPHEN KERSHNER: So I was

1 Episode 142: Stephen Kershnar
2 curious as to whether this is the case.
3 So we have like a real divergence here
4 in that incredibly popular people's
5 fantasies and what people pay for and
6 what they read and what they watch. And
7 yet there seems to be no defense to this
8 whatsoever. So I first got in through
9 virtue. Is this a case where someone is
10 doing something vicious? They're not
11 well designed. And so I needed what I
12 thought was the best theory of virtue,
13 which comes from a University of Toronto
14 philosopher, Thomas Hurka. And he says,
15 look, virtue is when you are enjoying
16 those things which are good and hating
17 those things which are bad, and vice
18 involves enjoying those things which are
19 bad or evil and hating the good. And
20 it's not clear this is an enjoyment of
21 an evil or enjoyment of a bad. Why?
22 Because I think people's content is
23 something like the following, thinking
24 to themselves were this action to occur
25 it would be sexy. Not that it's right

1 Episode 142: Stephen Kershner
2 or good, but that it's sexually
3 arousing. Well, that's not love of
4 the -- love of evil, love of something
5 that's neutral. And then there's an
6 issue, well, why don't you love
7 something that's neutral, is that,
8 itself, vicious? Probably not. We love
9 lots of things that are neutral. We
10 watch adventure films all the time and
11 there's violence all over the place.

12 THADDEUS RUSSELL: I was going to
13 say, yeah, murder is just fine. We get
14 off, we do, we get off on watching
15 Murder and that's not a problem.

16 STEPHEN KERSHNER: Yeah, I mean,
17 just look at Sylvester Stallone or
18 Arnold Schwarzenegger movies. I mean,
19 they'll just load it up with violence.
20 And we don't think that's especially
21 vicious to enjoy that. In fact, with my
22 nephew, I've been watching some of these
23 films, some of these classic Westerns
24 and war movies, so we watch things like
25 Platoon and Full Metal Jack and an

1 Episode 142: Stephen Kershner
2 Apocalypse Now. There's an amount of
3 violence in these shows. We don't think
4 that enjoying the violence, whether it's
5 embedded in the plot or not, is
6 especially vicious. In fact, we think
7 it has good aesthetic awareness to enjoy
8 these things.

9 THADDEUS RUSSELL: Right.

10 STEPHEN KERSHNER: So I don't
11 think it's vicious because it doesn't
12 involve love of evil. For us, it's not
13 clear it's evil at all because it's not
14 a real event, right, it's really an act
15 out event. But even if you thought,
16 well, it's wrong to love something that
17 would be evil were to obtain, it's not
18 clear our love, that seems to be more
19 fine grained. We seem to be enjoying it
20 because it's arousing and sexy, not
21 because it's an injustice.

22 THADDEUS RUSSELL: Yes.

23 STEPHEN KERSHNER: The other issue
24 is, is there a wrong making feature? So
25 even if it leave aside whether it's

1 Episode 142: Stephen Kershner
2 vicious or virtuous, it's an issue with
3 something wrong making. And here it's
4 really hard to see what's wrong making.
5 Right? There's no right infringement.
6 It's not obviously harmful either in the
7 individual case. It's pleasurable in
8 the individual case, oftentimes it's
9 certainly not harmful, if anything it is
10 beneficial. In the aggregate, is it
11 harmful? Again, here it's mixed.
12 There's at least some data which
13 suggests that it's not harmful. In
14 fact, it reduces sexual violence. Other
15 laboratory studies seem to suggest the
16 opposite. So again, here the data is
17 mixed. I kind of believe the former
18 data more, but again, it is mixed. But
19 even there it's not clear something's
20 wrong if in the aggregate it's harmful.

21 And I'll give you an example of
22 this when you watch The Deer Hunter a
23 major feature of it is Russian roulette.
24 Now, it's been reported I can't find an
25 academic site for this, I don't know if

1 Episode 142: Stephen Kershner
2 it's true, but it's been at least
3 reported that when people when every
4 time they show this on a national
5 network that there are instances of
6 Russian Roulette. So really unnecessary
7 deaths. So overall, showing this movie
8 makes the world a worse place because
9 the amount of pleasure people get from
10 watching it does not outweigh the death
11 of a few people unnecessarily because
12 people decide they're going to try
13 Russian Roulette.

14 Again, I can't find academic site
15 when people report this. And I tend to
16 think, well, look, this is not enough to
17 ban the movie or even tell the networks
18 not to show it because we tend to think
19 that liberty has its value and that one
20 of the values is that we enjoy excellent
21 art of which I think The Deer Hunter is
22 an instance of it.

23 I'm not even sure it's harmful in
24 the aggregate, and I'm not sure that
25 even if it is harmful, that's enough to

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2 make that's wrongful. Again, if you're
3 not producing harm, if Jones is not
4 producing harm when he watches it, it's
5 unclear why the fact that when Smith and
6 Anderson are producing harm by watching,
7 it's not clear that Jones shouldn't
8 watch it. And then the third account
9 is, well, some people think, well, it's
10 wrong because it's vicious. Well, it
11 just kicks us back to why is it vicious?
12 How is this any different than watching
13 violent movies?

14 THADDEUS RUSSELL: Yeah, right.
15 It's an expression of desire that we now
16 know is held by many, many people,
17 probably a majority of people, but it is
18 simply an expression of desire. And do
19 we want to make expressions of desire
20 illicit?

21 STEPHEN KERSHNAR: I think it's an
22 excellent point. And this doesn't go
23 into the moral argument, but I also
24 think it's worth noting that this desire
25 is probably, at least in part, genetic.

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2 And here's why we should think this.

3 The kind of prevalence of rape sex is
4 true across all human cultures. It's
5 true across our other great apes. Human
6 beings are apes, cousins, bonobos,
7 chimpanzees, things like that.

8 So given sort of how widespread it
9 is, it's likely that it has a genetic
10 connection to it. Again, this doesn't
11 make it doesn't affect its moral status.
12 It doesn't make it more likely to be
13 good or right just because it has a
14 genetic linkage. I mean, it might be
15 that stealing people's food has a
16 genetic linkage. That doesn't make it
17 okay.

18 THADDEUS RUSSELL: Right.

19 STEPHEN KERSHNAR: But what it
20 tells us is it's probably not this
21 result of societal misogyny or something
22 like that. But again, even if it was
23 that lots of sort of culturally based
24 tastes might be right. And I'm not sure
25 that people would have a genetic taste

1 Episode 142: Stephen Kershner
2 for beer or for hard spirits. But --
3 THADDEUS RUSSELL: Yeah. Well,
4 Freud said that repression is required
5 by civilization, right? Repression of
6 what he called the id, which is where
7 all the desire for sex and violence is.
8 And with that, there is no civilization,
9 according to him without repression, and
10 I think he's completely correct about
11 that. He ends up taking the side of
12 civilization against the id, and I'd end
13 up taking the side of the id against
14 civilization. But I do think
15 civilization just by definition, must
16 repress stuff like sexual desires,
17 especially chaotic desires like that.
18 So it's just an ongoing war. It's an
19 ongoing war inside of us, right, between
20 our desires and what the superego is
21 telling us to do, what civilization is
22 telling us to do. But the attempt to
23 make the desire illicit or illegal is
24 just a very sort of heavy handed attempt
25 at repression. And what really needs to

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2 happen is if you're bothered by the fact
3 that so many women and men harbor rape
4 fantasies, then we need to have a
5 discussion about that. I'm not even
6 sure we need to have a discussion about
7 that. But if that's what bothers you,
8 that's where you look to you got to look
9 inside of people's minds and their
10 psyches in very deep, dark places, by
11 the way. And also, I'm not sure we want
12 to do that. Why don't we just let them
13 watch some porn that represents their
14 desires? And it turns out in places
15 where porn is totally legal and wild and
16 off the hook, they have much lower rates
17 of rape, like in Europe, right?

18 STEPHEN KERSHNAR: Right.
19 Although I'm always a little worried --
20 the studies I was relying on were cases
21 where they looked either the time of
22 violence and the prevalence of this sort
23 of pornography. So that's where I was
24 looking at or kind of changed in
25 locations, like you said, which are a

1 Episode 142: Stephen Kershnar
2 good way to look to see whether once you
3 control for other factors.

4 But, yeah, I think you have a good
5 point. I guess I'm curious about your
6 defense of the id over the superego in
7 the sense that, look, if people just
8 acted on the strongest desires, there
9 would be widespread violence, if nothing
10 else. We don't want that.

11 THADDEUS RUSSELL: No. No. No.
12 So I say that in a highly developed,
13 highly civilized culture in which there
14 is lots of repression and many, many
15 moral guardians who are very powerful
16 and control all the major institutions,
17 like the modern United States and like
18 modern Europe and like Japan and other
19 places, right?

20 STEPHEN KERSHNAR: Yeah.

21 THADDEUS RUSSELL: Generally
22 speaking, I'm going to be on the side of
23 what I call renegades people who sort of
24 go against the dominant norms even when
25 they're not such nice people. Like the

1 Episode 142: Stephen Kershner
2 Mafia in the 1920s, they sold liquor
3 when it was illegal. But aren't we glad
4 that they did? Right.

5 STEPHEN KERSHNER: Right.

6 THADDEUS RUSSELL: Prostitutes in
7 the 19th century, they made much higher
8 wages than all other women in the United
9 States, and from that they developed a
10 tremendous amount of economic and
11 political power. Are we glad that
12 they -- yes. Need I to go on? Those
13 were all considered to be utterly
14 chaotic, id driven people at the time.
15 Right. What they did was it's true they
16 lived against the dominant norms simply
17 by being themselves and seeking out
18 their own pleasures, right? But when
19 they did that, the rest of us followed
20 suit and said, oh, yeah, drinking booze
21 is fun and women having power and the
22 kind of sex that they're talking about
23 is good and all the rest of it. So in a
24 culture, in a society like here or
25 Northern Europe, where it's very

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2 organized and there are plenty of cops
3 of all kinds right, absolutely, I'm
4 going to be on the side of people like
5 Kim Kardashian and Paris Hilton and da,
6 da, da.

7 STEPHEN KERSHNAR: Right, right.
8 So I see what you're saying. Yes.

9 THADDEUS RUSSELL: And drug and
10 drug dealers, you know, like, I'm -- I'm
11 very much on the side of drug dealers
12 because I think drugs should be legal,
13 right.

14 STEPHEN KERSHNAR: Right.

15 THADDEUS RUSSELL: Even though
16 they're not good guys usually or often.

17 STEPHEN KERSHNAR: Right, sure.

18 THADDEUS RUSSELL: But on the
19 other side, imagine if we have no one
20 like that, if we have no renegades in
21 our society. People all follow the
22 rules, that's totalitarianism. I mean,
23 that's a place none of us -- I hope none
24 of us want to live in.

25 STEPHEN KERSHNAR: Right.

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2 THADDEUS RUSSELL: Right. Sorry.

3 Just to finish, though, if I live in a
4 place where there is a very weak central
5 authority, central state, all of that,
6 and a weak sort of unifying culture and
7 the garbage isn't getting picked up and
8 crime is rampant, oh, I'm going to be
9 much more interested in cops. Right.

10 STEPHEN KERSHNAR: Right.

11 THADDEUS RUSSELL: So that's that.

12 STEPHEN KERSHNAR: Yeah, it makes
13 sense to me. It's interesting you and I
14 come at this to the same conclusion, but
15 from different places.

16 THADDEUS RUSSELL: Totally.

17 STEPHEN KERSHNAR: I guess I just
18 think, look, I'm not sure this defense
19 of ids so much as defensive of liberty,
20 right, our freedom. I mean, when you
21 have kind of less force, people
22 naturally gravitate towards satisfying
23 others desires just because of the way
24 in which that can benefit them.

25 THADDEUS RUSSELL: Sure, yeah. I

1 Episode 142: Stephen Kershner
2 just don't like puritanism. So there's
3 nothing good about it, I think. And so
4 I tend to always take the side of their
5 enemies.

6 STEPHEN KERSHNAR: I have a
7 certain sympathy with you. I tend to
8 think we can perhaps sidestep whether we
9 like puritanism or not, because one
10 thing is just to have communities which
11 form their own norms and live however
12 they seem fit. I mean, if people want
13 to have very puritan communities in
14 rural Montana, knock yourself out.

15 THADDEUS RUSSELL: Sure.

16 STEPHEN KERSHNAR: People want to
17 have a commune and free love and open
18 marriage in a different part of Montana,
19 maybe even like two towns over, great.
20 I mean, why -- in some sense, we can
21 sort of sidestep saying, well, which do
22 we prefer? Well, I mean, one answer is
23 that regardless of what I individually
24 prefer what you individually prefer,
25 what's best is what do people like. And

1 Episode 142: Stephen Kershnar
2 it's good that they have the ability to
3 set up their own communities, set up
4 their own norms, and use private
5 property to allow for that.

6 THADDEUS RUSSELL: 100%.

7 STEPHEN KERSHNAR: There's no
8 reason to have puritans and communes --
9 free love communes have to agree. I am
10 just they just strongly disagree and
11 still trade with each other.

12 THADDEUS RUSSELL: Yeah. So
13 political decentralization is what
14 you're getting at, which I'm all for.
15 I'm 100% for that. Yeah, sure. Oh, if
16 you want to have a communist puritan
17 city on a hill but you don't want to
18 impose it on me, as you said, knock
19 yourself out.

20 STEPHEN KERSHNAR: Yeah.

21 THADDEUS RUSSELL: I'm just
22 interested in just putting forward the
23 alternatives to American puritanism and
24 saying, hey, here's an offer, a way of
25 thinking and a way of being and maybe

1 Episode 142: Stephen Kershner
2 hopefully a way of living, right? And
3 if you like it, join me and we'll form
4 our own community, which is actually
5 what I'm doing. Yeah, I'm totally with
6 you. All right.

7 STEPHEN KERSHNER: This is a great
8 point.

9 THADDEUS RUSSELL: Cool, man. So
10 listen, let's shit on veterans now.

11 STEPHEN KERSHNER: So after the
12 adult child sex, this is the one that
13 gets the most violent opposition of all
14 things.

15 THADDEUS RUSSELL: You are
16 awesome.

17 STEPHEN KERSHNER: If there is
18 anyone we should be grateful to, is
19 veterans. So let me give you kind of a
20 quick argument and then give you a
21 little more in depth version.

22 THADDEUS RUSSELL: Great.

23 STEPHEN KERSHNER: The quick
24 argument is compare veterans to farmers,
25 and they say, okay, well, we owe a lot

1 Episode 142: Stephen Kershner
2 to veterans. And they say, well, if we
3 didn't have veterans as a collection, we
4 wouldn't be free. We'd be under the
5 control of another country. But the
6 same thing is true with farmers, right?
7 If we didn't have farmers as a
8 collection, we'd starve to death. And
9 you think, okay, well, all right, well,
10 if we didn't have this individual
11 soldier or airman, a sailor, then we'll
12 be free. Well, that's not true, because
13 people are replaceable, and even if they
14 aren't replaceable, you just have to pay
15 enough, and you can buy large
16 replacements. So it's not true with
17 regard to individuals. It's not true
18 regard to individual farmers either.

19 Then you say, well, the average
20 military person is putting himself in
21 danger more than the average farmer.
22 Well, the problem with this is, one,
23 it's not entirely clear that's true, at
24 least for some branches of the military
25 and at various times, and this is

1 Episode 142: Stephen Kershner
2 certainly not, it's not clear that's all
3 true when you compare dangerous jobs
4 like logging or some of the fishermen.

5 THADDEUS RUSSELL: Oh, yeah.

6 STEPHEN KERSHNER: So we don't
7 think we should be grateful to them. No
8 one thinks that we should have holidays
9 or at least express our gratitude, say
10 thank you to loggers or fishermen, thank
11 you for serving our community. Well,
12 they certainly put themselves at risk,
13 and in some cases put themselves as much
14 at risk as do members of the military.
15 The kind of crude account is and also
16 the other thing is the military, at
17 least according to two studies, I think,
18 by the Rand Corporation, have fairly
19 strong compensation packages. When you
20 look at all the benefits, the salary
21 levels, how soon they could take the
22 retirement package, the overall
23 compensation is quite high. So even if
24 they were putting themselves at risk,
25 you might think, well, they're paid well

1 Episode 142: Stephen Kershner
2 to do so. YOU know, you had a job
3 package. You could be a librarian,
4 which has, like, lesser pay but lower
5 risk, or sort of higher pay, higher
6 risk. And you think, okay, well, you
7 chose which fit your preferences. Why
8 should we be grateful when you chose
9 this package rather than that package on
10 the basis of it being in your interest.
11 The quick version is why be grateful to
12 the military, not to farmers.

13 THADDEUS RUSSELL: Okay.

14 STEPHEN KERSHNAR: The more
15 general view is the more kind of
16 fundamental view is when should you be
17 grateful to someone? Well, think about
18 we should be grateful to our mothers.
19 Why? Mothers sacrificed themselves for
20 us. They went well and beyond the duty.
21 They did that in order to benefit us,
22 and they, in fact, benefited us. Right.
23 So their motivation was to benefit us.
24 They went beyond the call of duty, and
25 they, in fact, benefited from us. And

1 Episode 142: Stephen Kershner
2 it's unclear if veterans did these
3 things, right. It's unclear if their
4 motivation was to benefit us or to get
5 this package of benefits.

6 THADDEUS RUSSELL: There you go.

7 STEPHEN KERSHNER: During combat,
8 it's interesting what the studies show
9 in terms of why individuals perform
10 under combat. It seems that they're
11 fighting for the band of brothers.
12 They're not fighting for ideas. They're
13 not fighting for people back home.
14 They're fighting for the band of
15 brothers. So at least during combat,
16 it's not clear that --

17 THADDEUS RUSSELL: They're
18 fighting for their buddy next to them in
19 the foxhole.

20 STEPHEN KERSHNER: That's exactly
21 right. Yeah. They're fighting for
22 their brothers in arms.

23 And did they, in fact, benefit
24 from us? Well, I guess it depends on
25 the war. It's a little hard to see why

1 Episode 142: Stephen Kershner

2 we benefited from a number of these
3 wars, you know, wars such as World War
4 I. It's a little hard to see exactly
5 how we benefited from World War I.
6 Vietnam is kind of a giant controversy,
7 but it's not obvious that we benefit
8 from World War I. Certainly the sort of
9 more recent wars, the Serbian War, the
10 two Iraq Wars, the Afghanistan War.

11 THADDEUS RUSSELL: They're all
12 controversial.

13 STEPHEN KERSHNER: Yeah. The war
14 in Libya.

15 THADDEUS RUSSELL: Even World War
16 II is controversial.

17 STEPHEN KERSHNER: Yeah, I
18 actually think that is controversial.

19 THADDEUS RUSSELL: I'm writing a
20 book about that right now, actually.

21 STEPHEN KERSHNER: Right. That's
22 interesting because you heard in my view
23 on this, is so outside the mainstream.
24 It's even worse than adult child sex.
25 But it's kind of funny. So it's not

1 Episode 142: Stephen Kershner
2 clear they, in fact, benefited from us.
3 It's not clearly intended to benefit us,
4 and it's not clear they went above and
5 beyond the call of duty. I mean, that's
6 what the job entails. And the package
7 of benefits also includes what the
8 package of benefits looks like for a
9 young man. So, for example, if you go
10 to West Point now, this I can find no
11 study on, but they report that one of
12 the reasons you want to be, for example,
13 attend West Point is they get you all
14 these social benefits, right? You're
15 dating and marriage prospects improve,
16 your community holds you high in esteem,
17 and that the equivalent job would not
18 produce these benefits.

19 Well, my view is that's part of
20 the benefits package. Why think then,
21 that because you chose benefit package A
22 rather than benefit package B, we should
23 be grateful? One last reason that we
24 don't that it's probably not good to be
25 grateful is that you can't quantify it,

1 Episode 142: Stephen Kershnar
2 right. I mean, you might think, look,
3 we want to know -- we want to choose
4 when to be grateful to someone. I
5 didn't choose to be grateful to this
6 individual.

7 And so as a system, it's not clear
8 that we want to use gratitude as a
9 currency rather than cash or other
10 benefits. So under the theory it's not
11 clear that they're similar to our mother
12 or sort of members of the military
13 similar to our mother. And I think in
14 terms of what makes us grateful, the
15 answer is no. And then the cruder
16 example is what exactly separates
17 someone from the military from a farmer?

18 THADDEUS RUSSELL: So first of
19 all, I hope you do separate conscripts
20 from volunteers, right? That's very
21 important to me.

22 STEPHEN KERSHNAR: Okay. So
23 again, conscripts, we might want to feel
24 bad for them, and we might want to think
25 that we owe them compensation.

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2 THADDEUS RUSSELL: Oh, yeah.

3 STEPHEN KERSHNER: But if they're
4 slaves, it's unclear why we should be
5 grateful to slaves so much as sorry for
6 what we've done to them.

7 THADDEUS RUSSELL: For sure.
8 Yeah.

9 STEPHEN KERSHNER: And I think the
10 draft is atrocious. I mean, I know the
11 Supreme Court's case saying that it's
12 not involuntary servitude, but it sure
13 is how it looks like it.

14 THADDEUS RUSSELL: Yeah. Oh, you
15 call it slavery, too.

16 STEPHEN KERSHNER: Yeah, I think
17 it's slavery, yes.

18 THADDEUS RUSSELL: Good man. It's
19 very rare. Very few people say that,
20 and I don't get it at all. I don't
21 understand the objection to that
22 whatsoever.

23 STEPHEN KERSHNER: I don't
24 understand how is it --

25 THADDEUS RUSSELL: How is it not

1 Episode 142: Stephen Kershner

2 free slavery? How is it not?

3 STEPHEN KERSHNER: Yeah, I do not
4 understand. I don't understand why a
5 free country would want sort of
6 involuntary members of the military.
7 Look, pretty much any wealthy country
8 can afford a military. What they can't
9 afford is they can't afford to hire
10 people at low labor costs. So the issue
11 is, are we going to shift costs from
12 young men and women, usually young men,
13 shift costs from them onto the taxpayer,
14 put the costs on them. It's not clear.
15 There are two different ways of getting
16 an adequate military. It's just a
17 matter of who's going to bear the cost
18 of it. It's not clear you can't get a
19 good military so long as you just keep
20 on increasing the wages until you get
21 the people that you want.

22 THADDEUS RUSSELL: Yeah. I guess
23 I was taking a slightly different take.
24 I was talking about not so much
25 gratitude, but blame. I blame

1 Episode 142: Stephen Kershnar
2 volunteers for volunteering for wars
3 that I think actually made the world
4 worse for me. In some cases, actually
5 less safe for me. Like the wars of the
6 Middle East, right?

7 STEPHEN KERSHNAR: Right.

8 THADDEUS RUSSELL: I don't think
9 it made the world better. I think it
10 made the world worse for me, for John
11 McCain to go bomb civilian peasants in
12 Vietnam in the 1960s, right?

13 STEPHEN KERSHNAR: Sure.

14 THADDEUS RUSSELL: It did all
15 sorts of things to that country, a
16 country I might want to visit, and I
17 also don't want to have my name attached
18 to the deaths of those people, which,
19 unfortunately, it is because the United
20 States doesn't allow me to choose
21 whether or not to be a citizen of the
22 United States. And so when they drop
23 those bombs with the American flags on
24 them, unfortunately, I am associated in
25 the minds of the victims with those

1 Episode 142: Stephen Kershner
2 bombs.

3 But of course, conscripts is an
4 entirely different story. I mean, to
5 me, you know, they're the worst victims,
6 I think, basically in our history. And
7 yeah, I do think it's slavery and but
8 more to the point, I hold veterans who
9 volunteer for these wars responsible for
10 those wars, and if they were not a good
11 war, they're to blame. I mean, the war
12 wouldn't happen if they hadn't
13 volunteered in many cases.

14 STEPHEN KERSHNER: Correct.

15 THADDEUS RUSSELL: They hold some
16 culpability here.

17 STEPHEN KERSHNER: Yeah. I
18 actually have a little more mixed view
19 than you do in Vietnam. It's kind of
20 interesting. I mean, I don't think you
21 want to diverge there, but I do think
22 that these communist countries prove
23 themselves to be quite the slaughtering
24 grounds. So I'm not --

25 THADDEUS RUSSELL: No doubt.

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2 STEPHEN KERSHNAR: I think the
3 concern about Dominos at the time was
4 reasonable. I'm not sure I agree with
5 the Vietnam War, but I have a little
6 more mixed views than you do, both
7 because of the concern about Dominos and
8 also because the absolute level of
9 destruction and death that communist
10 regimes brought about.

11 Sure, yeah. So I hear what you're
12 saying about blame. That is a good
13 point. So if you have involuntary even
14 that doesn't completely absolve someone
15 of blame. For example, if you're put --
16 so imagine someone is kind of an old
17 case, the Irish Republican Army says
18 they're going to kneecap someone if they
19 don't drive these individuals somewhere.
20 And to the actual facts, imagine the
21 driver knows they're going to engage in
22 a drive by shooting.

23 THADDEUS RUSSELL: Right.

24 STEPHEN KERSHNAR: So he's going
25 to be crippled if they don't, or

1 Episode 142: Stephen Kershnar
2 disabled if he doesn't do it. You might
3 think he's still blameworthy, or not
4 fully blameworthy. That has an excuse,
5 or at least a partial justification in
6 virtue of the violence that he's facing,
7 but still not a fully sufficient
8 justification.

9 THADDEUS RUSSELL: Right.

10 STEPHEN KERSHNAR: And you might
11 also think with regard to some of these
12 voluntary participants, if they don't
13 know to assess what they're doing or
14 they just get it wrong, that they're not
15 fully blameworthy even if they are
16 blameworthy. So I'll give you an
17 example. So do you think -- take the
18 Libyan War or the Serbian War, where
19 Congress refused to fund the war. So it
20 wasn't just there was no declaration of
21 war. They didn't even agree to fund it.

22 THADDEUS RUSSELL: Right.

23 STEPHEN KERSHNAR: You might think
24 that's a violation of the Constitution
25 and that a member of the military takes

1 Episode 142: Stephen Kershner
2 an oath to protect and defend the
3 Constitution. Do you think the members
4 of the military who participated in that
5 were oath breakers? And that they've,
6 in some sense, earned our contempt or at
7 least considerably less respect because
8 they didn't live up to their oath?

9 THADDEUS RUSSELL: I guess so.

10 STEPHEN KERSHNER: Or do you think
11 that they're not blameworthy because
12 their interpretation of the
13 Constitution, while incorrect, is not
14 obviously wrong?

15 THADDEUS RUSSELL: I mean, I guess
16 technically they're oath breakers.
17 Although I'm just not concerned because
18 I don't care about the Constitution in
19 the way that a lot of people do. Or I
20 should say that's not my concern. My
21 concern is simply that I'm opposed to
22 these wars and these people chose to
23 fight them. But, yeah, I guess they're
24 technically oath breakers. I guess I
25 have some sympathy -- no, I don't, for

1 Episode 142: Stephen Kershner
2 volunteers. Sorry. You get all the
3 blame, buddy. I don't get it.

4 If you get all the praise and the
5 credit, right, for protecting our
6 country and our freedoms and our rights
7 and blah, blah, blah, well, you get the
8 blame if it goes wrong if you
9 volunteered.

10 You know, the Iraqi children who
11 are dead, are dead in part because of
12 you and your participation in that war.
13 Same with the Vietnamese, same with the
14 Japanese, and same with all of them.

15 STEPHEN KERSHNER: Right.

16 THADDEUS RUSSELL: I don't know
17 how to get around that. But not the
18 slaves, the ones who actually like John
19 McCain, he volunteered. He knew what he
20 was doing. He knew that he would be
21 dropping bombs on civilians, and that's
22 what he did. And he was shot down. And
23 I'm glad he was.

24 STEPHEN KERSHNER: Here's my
25 question then.

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2 THADDEUS RUSSELL: I'm glad he was
3 shot down because there was a war going
4 on, and I would rather the Vietnamese
5 have won that war.

6 STEPHEN KERSHNAR: Right. SO I'm
7 just curious about this. I'm not
8 disagreeing with you, but I'm curious
9 about this. SO given the history of
10 starvation and slaughter in places like
11 the Soviet Union, Maoist China, the
12 Khmer Rouge in Cambodia, why not -- and
13 again, like I said, I'm not disagree
14 with you, and I do think there is a
15 declaration of war requirement in the
16 Constitution. I know I no one holds it
17 to that. That's my view. So I think
18 these wars are all unconstitutional.

19 THADDEUS RUSSELL: Oh, sure.

20 STEPHEN KERSHNAR: But why not
21 think that? There was legitimate
22 concern. It was borne out that the
23 North Vietnamese were going to be
24 slaughtered. Again, it might not be a
25 business, may not have declared war.

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2 The South Vietnamese regime might have
3 been corrupt.

4 THADDEUS RUSSELL: Right.

5 STEPHEN KERSHNER: But, I mean,
6 given that it's a reasonable prediction
7 that the North Vietnamese would
8 slaughter hundreds of thousands of
9 innocent people, and, in fact, on some
10 accounts, they did do so --

11 THADDEUS RUSSELL: Sure.

12 STEPHEN KERSHNER: -- why think
13 that that's not -- it's at least a murky
14 case in terms of justice. Leaving aside
15 the legality, it's at least a murky case
16 of justice.

17 THADDEUS RUSSELL: Yeah. So if
18 you don't like what the Communists did,
19 which I certainly don't, and you didn't
20 mention Cambodia, which is the worst of
21 them all, right?

22 STEPHEN KERSHNER: Yeah. I was
23 going to ask you about the next,
24 actually.

25 THADDEUS RUSSELL: But, yeah, I

1 Episode 142: Stephen Kershner
2 mean, all of them. Stalin, Mao, China,
3 Vietnam, yeah, every one of them I
4 detest. They were mass murderous
5 regimes.

6 Here's what I'm arguing in the
7 book I'm writing, which is that the
8 diffusion of American popular culture,
9 especially sort of low brow popular
10 culture across the world over the last
11 century and a half has done more to
12 subvert authoritarian regimes like
13 communist regimes, like fascism in Italy
14 and Germany, like communism in the
15 Soviet Union than anything the 101st
16 Airborne could ever do. So that
17 military interventions actually hardens.
18 It tends to harden the regime that's
19 being attacked, and it gives the regime,
20 like in North Korea, the fact that we
21 are surrounding that country with our
22 military gives the dictators of that
23 country great reason, great excuse to
24 militarize and regiment their population
25 and to impose all sorts of controls on

1 Episode 142: Stephen Kershner
2 them. But when jazz and the blues and
3 all these people were coming into
4 Germany and Berlin and gays in the 1920s
5 and early '30s, they were subverting
6 every minute of every day, everything
7 that constitutes National Socialism. So
8 that's why Hitler and the Nazis that was
9 one of the first things they did, was
10 they wanted to cut off all the imports
11 of popular entertainment from especially
12 America, because most Germans were way
13 more interested in Louis Armstrong than
14 they were in Adolf Hitler, as a matter
15 of fact.

16 STEPHEN KERSHNER: So and I'm
17 similar to everything you're saying, but
18 I'm curious about the Khmer Rouge,
19 right, or the pole pot regime. We had a
20 small group of leaders. They killed
21 roughly 2 million people. Killed in a
22 short time and relatively direct manner.
23 Would you be opposed to sending in,
24 assuming there was a declaration of
25 wars, there wasn't, the B-52s to take

1 Episode 142: Stephen Kershnar
2 out that small regime?

3 THADDEUS RUSSELL: No, because
4 that's what started it. It was B-52s
5 who started that. The B-52s --

6 STEPHEN KERSHNAR: Fair enough.
7 But, I mean, once they started -- I
8 absolutely agree with you on that. But
9 once they're in place, would you then
10 send them to B-52s to take them out?

11 THADDEUS RUSSELL: No, I mean, I
12 don't know. I don't think so, no.
13 Nixon carpet bombed Cambodia.

14 STEPHEN KERSHNAR: I agree with
15 everything you're saying.

16 THADDEUS RUSSELL: Before -- and
17 that sort of set the stage for the
18 killing fields, the famous killing
19 fields of Cambodia. So bombing tends
20 not to have produced good results in my
21 review.

22 STEPHEN KERSHNAR: Yeah. No, I
23 think it's a great point. And it
24 returning to the veterans. So one thing
25 you might say is that, look, before

1 Episode 142: Stephen Kershner
2 we're grateful to veterans, we should
3 actually look into whether one of two
4 things are true. Did their course of
5 action was it reasonably expected to
6 benefit us? And separately, did it
7 benefit us? And if the answer is no on
8 both --

9 THADDEUS RUSSELL: Right.

10 STEPHEN KERSHNER: -- and if
11 they're not motivated to benefit us --

12 THADDEUS RUSSELL: Right.

13 STEPHEN KERSHNER: -- it doesn't
14 look like a case for gratitude.

15 THADDEUS RUSSELL: Yeah.

16 STEPHEN KERSHNER: Even if someone
17 does benefit us, if they don't do it in
18 order to benefit us, it's unclear why we
19 should be grateful. I mean, lots of
20 people have benefited from Frank
21 Sinatra's music. I like Sinatra's
22 music, and obviously hundreds of
23 millions of people like. But does that
24 mean we should be grateful to Frank
25 Sinatra?

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2 THADDEUS RUSSELL: Yeah.

3 STEPHEN KERSHNER: I'm not sure
4 why. I mean, that's a case where he did
5 benefit us. I'm not sure he was
6 motivated to benefit from us. I don't
7 exactly know what motivated Frank
8 Sinatra.

9 THADDEUS RUSSELL: You mean
10 collective gratitude. I'm individually
11 grateful for Frank Sinatra's existence,
12 sort of in a Buddhist way. I'm just
13 grateful that he exists in my life, and
14 it made my life better. And I
15 appreciate that. But as an individual,
16 you're talking about collective sort of
17 coercion.

18 STEPHEN KERSHNER: No. I mean, so
19 you can be individually grateful. It's
20 question is whether you should be
21 individually grateful.

22 THADDEUS RUSSELL: Okay.

23 STEPHEN KERSHNER: Imagine someone
24 has --

25 THADDEUS RUSSELL: Well, what's

1 Episode 142: Stephen Kershner
2 the problem with being individually
3 grateful for a great artist existing?

4 STEPHEN KERSHNAR: Well, the
5 concern is that if the gratitude doesn't
6 have a proper justification, then it
7 seems to be mistaken, even if it doesn't
8 harm anyone.

9 THADDEUS RUSSELL: Okay.

10 STEPHEN KERSHNAR: So imagine that
11 you are grateful to someone whose
12 behavior is just flagrantly unjust. So
13 that you, for whatever reason, you're
14 grateful to Typhoid Mary because she led
15 you to write this fantastic screenplay,
16 which made you very rich and famous.

17 THADDEUS RUSSELL: Right.

18 STEPHEN KERSHNAR: I mean, you
19 could be pleased that she existed and
20 sort of glad that she existed. I'm not
21 sure why you'd be grateful to her,
22 though. I mean, did she really aim to
23 benefit you? Would she try to benefit
24 you?

25 THADDEUS RUSSELL: Yeah.

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2 STEPHEN KERSHNER: Again, maybe
3 it's not irrational to have attitudes
4 that are systematically mistaken, but
5 they are mistaken nonetheless. And to
6 the extent that these attitudes have a
7 truth condition, they seem to be false.

8 THADDEUS RUSSELL: Okay. So is it
9 about the fact that I don't know Frank
10 Sinatra or Typhoid Mary or a veteran?

11 STEPHEN KERSHNER: Well, it's not
12 bad. It's that they don't meet the
13 conditions of gratitude, not similar to
14 your mother.

15 THADDEUS RUSSELL: Well, yeah,
16 because they didn't have me in mind.

17 STEPHEN KERSHNER: That's right.
18 They didn't have you in mind.

19 THADDEUS RUSSELL: Yeah, that's
20 right.

21 STEPHEN KERSHNER: They didn't try
22 to benefit other people like you or
23 collect which includes --

24 THADDEUS RUSSELL: Because we
25 don't know each other. I'm saying the

1 Episode 142: Stephen Kershnar
2 basis of your critique here.

3 STEPHEN KERSHNAR: Right, right.
4 That's right. And some cases, is it
5 okay to be angry at someone who didn't
6 do anything to us? Could you have a
7 secondary anger? Perhaps, but it's not
8 clear that you can have gratitude for if
9 A benefits B, it's not clear that you
10 can be grateful on behalf of B.
11 Gratitude seems to be something that's
12 tied to the individual.

13 THADDEUS RUSSELL: Yeah. This is
14 sort of reminding me of sports fans,
15 right. Having this feeling of not just
16 loyalty, but familial association with
17 their team, right. So they'll say we
18 when they refer to the Buffalo Bills,
19 even though they've never set foot on a
20 football field. Right?

21 STEPHEN KERSHNAR: That's right,
22 yeah.

23 THADDEUS RUSSELL: And so that's
24 just silly. And also they express
25 gratitude when the team does something

1 Episode 142: Stephen Kershner
2 good, even though the team has no idea
3 they exist, basically.

4 STEPHEN KERSHNER: Or when a
5 player retires, right. They show off
6 the gratitude. They say, look, I'm this
7 grateful to all the enjoyment that
8 you've given me, even if the player did
9 it solely either to gain money and fame
10 or to benefit their fellow players or
11 because they just believe in the
12 excellence of the sport, right. If they
13 didn't try to benefit the fans, it's a
14 little -- or it's not a strong
15 motivation for them.

16 THADDEUS RUSSELL: Right.

17 STEPHEN KERSHNER: And you can see
18 this kind of so a significant number of
19 people who go to West Point leave after
20 their first tour.

21 Now, my guess is if you really
22 increase the package, they wouldn't
23 leave, which shows that a significant
24 feature of the decision making is self
25 interested. And I don't think there's

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2 anything wrong with that.

3 But if they're acting from a
4 largely or at least significantly
5 self-interested motivation, it's a
6 little unclear why we should be
7 grateful. Now, take the case of you and
8 Frank Sinatra. Look, you can be pleased
9 that Frank Sinatra exists, and you might
10 think that Frank Sinatra has benefited
11 you, but it's unclear why you would be
12 grateful to Frank Sinatra.

13 THADDEUS RUSSELL: Okay, I get it.

14 STEPHEN KERSHNER: Any more than
15 you'd be grateful to Typhoid Mary if
16 you're writing a book about her.

17 THADDEUS RUSSELL: So the
18 appropriate response is to be pleased,
19 not grateful.

20 STEPHEN KERSHNER: Yes.

21 THADDEUS RUSSELL: To you. Okay.
22 Yeah.

23 STEPHEN KERSHNER: Or just happy
24 that Frank Sinatra exists with the music
25 that he did.

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2 THADDEUS RUSSELL: Okay. So I
3 think this is, again, politically
4 important, especially when people --
5 especially in politics, right, meaning
6 formal politics, like election.

7 STEPHEN KERSHNER: Yes. Right.

8 THADDEUS RUSSELL: So people
9 merging their identities with the
10 Buffalo Bills is one thing. When they
11 merge their identities with the Head of
12 State or with one of the major political
13 parties that is at the head of the
14 largest superpower in the history of the
15 world, we're in real danger -- or
16 anywhere. I mean, that is the root of
17 all authoritarian politics. That is the
18 root of fascism, communism. All of it
19 is the merger of you, the individual,
20 and your identity with the nation state
21 represented by the head of state.

22 So this is why when people do this
23 in football or baseball or basketball,
24 I'm annoyed, I'm not screaming at them,
25 but I do want to point out that if you

1 Episode 142: Stephen Kershnar
2 keep acting this way, behaving this way,
3 and thinking about political figures
4 this way, which they inevitably do, we
5 are headed toward a regimented,
6 essentially totalitarian society in
7 which there's a cult of personality
8 around the Head of State.

9 STEPHEN KERSHNAR: That's
10 interesting. Yeah. I mean --

11 THADDEUS RUSSELL: Again, it's not
12 an academic quibble here. To me, this
13 is important.

14 STEPHEN KERSHNAR: Could you
15 identify with a political party or a
16 leader and still believe strong in
17 individual rights and say, Look, I
18 believe in this individual or this
19 party, but to the extent that they start
20 trampling on people's rights, I'll dump
21 them like a hot potato -- drop them like
22 a hot potato.

23 THADDEUS RUSSELL: I mean, if --

24 STEPHEN KERSHNAR: I'm not sure
25 it's an impossible position

1 Episode 142: Stephen Kershner
2 conceptually. Maybe it's empirically
3 difficult to make that move, but I'm not
4 sure it's --

5 THADDEUS RUSSELL: In other words,
6 once you do that with the nation state,
7 right, you're basically giving them
8 carte blanche. You're giving them
9 permission to do things to you, right.
10 Because you're saying, Well, they are me
11 and I am them, and so whatever they
12 need, I will do. Whether including
13 marching off to war in a foreign land
14 that I've never heard of.

15 STEPHEN KERSHNER: Yes. So I
16 think that's a good point. I wonder,
17 though, whether you could identify with
18 the group and I'm not saying we do this,
19 but whether you could identify a group
20 in virtue of its role in either
21 producing good results or in protecting
22 those rights. So identify them because
23 they're the leading defender of our
24 rights or because they're the leading
25 defender of the efficient policy.

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2 THADDEUS RUSSELL: Oh, yeah. If
3 I'm convinced that once they take
4 office, they will dismantle the office,
5 then I wouldn't mind identifying with
6 them. But no politician I've ever known
7 of has done that, right? Not really.
8 And they want to take over state power
9 with all of its violence. State power
10 is about it's the monopoly on violence.

11 STEPHEN KERSHNAR: Right.

12 THADDEUS RUSSELL: And that's what
13 it's all about, is about the cops and
14 the army. At the end of the day, that's
15 what it is, right. And they're also
16 interested in keeping me orderly. They
17 want me -- that's their primary
18 interest, me, Thad Russell they want me
19 to be orderly and law abiding. Right?

20 STEPHEN KERSHNAR: Yes.

21 THADDEUS RUSSELL: And not be
22 critical of the government, not be
23 critical of American institutions, not
24 be critical of the Constitution or the
25 Declaration of Independence and our

1 Episode 142: Stephen Kershnar
2 great heroes and our late, great
3 presidents, right. That's what they
4 want, and that's what they get when they
5 find a patriot. They get someone who's
6 not -- yeah.

7 STEPHEN KERSHNAR: That's
8 interesting. Yeah. I guess -- I think
9 you make a really good point. I'm just
10 not entirely sure that -- your
11 identification couldn't be, in part,
12 ideas based that I identify with Leader
13 X or Country Y or Party Z in virtue of
14 the fact that they're promoting these
15 ideas.

16 THADDEUS RUSSELL: No, identifying
17 with ideas is just fine.

18 STEPHEN KERSHNAR: Right. But I'm
19 wondering if you can sort of run these
20 things together or one as an instrument
21 to the other. I identify with this
22 instrument as a way of bringing about
23 these ideas. Again, I'm not disagreeing
24 with you. I'm just kind of putting
25 forth the idea that some identification

1 Episode 142: Stephen Kershnar
2 could be instrumental.

3 THADDEUS RUSSELL: I hear you.
4 Oh, yeah. Obviously, there have been
5 candidates for president who I agreed
6 with much more than other candidates,
7 but then I just sort of saw them as
8 again, sort of tools. But I would never
9 sort of put their face on my T-shirt and
10 I wouldn't put their name on my bumper
11 sticker and I wouldn't -- you know what
12 I mean? And I wouldn't call them by
13 their first name like a lot of people
14 do, which really turns my stomach when
15 people call politicians by their first
16 names. My parents do that. It wasn't
17 Biden and Harris who won. It was Joe
18 and Kamala who won, Steve, if you're
19 wondering.

20 All right, this has been super
21 fun. I love this so much. All right,
22 we've got one more. We got the big one.
23 Your latest book, Total Collapse.

24 STEPHEN KERSHNAR: So this book --

25 THADDEUS RUSSELL: Hold on. It's

1 Episode 142: Stephen Kershnar
2 called Total Collapse: The Case against
3 Morality and Responsibility. When I saw
4 that, I almost had an orgasm. I'm just
5 being honest with you.

6 Now, I will say, and this is the
7 book I know best of yours. It's a
8 complicated argument that you make, and
9 there's a major piece of it that I
10 struggle with, which is about free will.
11 But you just lay it out now and then
12 we'll see if we can flush it out for our
13 lay audience and myself.

14 STEPHEN KERSHNAR: Yeah. So I'll
15 make two claims. One is that the way in
16 which we think morality works, it does
17 not work. And probably the best
18 explanation is that there is no morality
19 and that there's also no responsibility.

20 So let me take the responsibility
21 first. So we often think that
22 individuals are morally responsible.
23 And by that what we mean roughly is that
24 they're the sort of individuals that can
25 be praised or blamed in a correct

1 Episode 142: Stephen Kershnar
2 manner. I mean, you can praise or blame
3 your dog or the cabinet door that bangs
4 your head, but it's incorrect. But the
5 idea is that people can be correctly
6 praised or blamed because they warrant
7 it.

8 THADDEUS RUSSELL: Right.

9 STEPHEN KERSHNAR: The problem is
10 it's a little hard to see what it is
11 that makes someone morally responsible.

12 Now, there are largely two
13 candidates in the literature -- and sort
14 of variance in this, but basically two
15 candidates. One is that someone makes a
16 choice, and in virtue of making a
17 choice, they're morally responsible.
18 That is they're going to be praiseworthy
19 or blameworthy or have a neutral level,
20 neither zero level of praiseworthiness
21 or blameworthiness.

22 So there's a choice theory, and
23 then there's kind of a character theory
24 that your psychology, or more
25 specifically, your psychology at a time

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2 makes you praiseworthy or blameworthy.

3 THADDEUS RUSSELL: Okay.

4 STEPHEN KERSHNER: The problem is

5 that neither explanation seems to be

6 intuitively correct. Take the choice.

7 If you're responsible for your choice

8 but you're not responsible for the

9 psychology which brought it about, then

10 it's a little hard to see why you could

11 be responsible based on the choice

12 alone. So, for example, if Patty Hearst

13 really were brainwashed -- I don't think

14 she was.

15 THADDEUS RUSSELL: Sorry. Some

16 people don't know who Patty Hurst is.

17 STEPHEN KERSHNER: So Patty Hearst

18 was a woman who was kidnapped in the --

19 I think it was the early '70s --

20 THADDEUS RUSSELL: Yes.

21 STEPHEN KERSHNER: By a Marxist

22 revolutionary group called the

23 Symbionese Liberation Army.

24 THADDEUS RUSSELL: In my hometown.

25 She was kidnapped in Berkeley when I was

1 Episode 142: Stephen Kershner
2 growing up there. Yeah, sorry.

3 STEPHEN KERSHNER: Oh, is that
4 right?

5 THADDEUS RUSSELL: Yeah. Yeah.
6 She's an heiress of the Hearst Newspaper
7 Fortune family.

8 STEPHEN KERSHNER: Right. And
9 they kept her locked in a closet for 51
10 days, wherein supposedly they beat her,
11 they sleep deprived her, and on her
12 account, they raped her. And so then
13 she seemed to be a willing participant
14 in their revolutionary activities,
15 including things like robbing banks.

16 THADDEUS RUSSELL: She robbed a
17 bank, famously, it was captured on the
18 video camera and with wearing the beret
19 and also posing with a gun in front of
20 the Symbionese Liberation Army in logo.

21 STEPHEN KERSHNER: Right.

22 THADDEUS RUSSELL: Yeah.

23 STEPHEN KERSHNER: And she tried
24 to help her members escape. And even
25 when the police tried to rescue her, not

1 Episode 142: Stephen Kershner

2 knowing who she was, she never said,

3 Hey, I am Patty Hearst.

4 THADDEUS RUSSELL: Right.

5 STEPHEN KERSHNER: So the standard
6 account is that she's brainwashed. Now,
7 leave aside whether she actually was
8 brainwashed, but brainwashing is
9 impossible. If she were brainwashed,
10 the fact that she made a choice would
11 not make her morally responsible because
12 she's not responsible for the psychology
13 which led to that choice, even if it
14 didn't determine it or dictate it. Same
15 thing if God were to create someone from
16 nothing, you might be religious told
17 this, but if there were God and he were
18 to create someone from nothing, and like
19 a split second later, the person were to
20 act. So they were to have a fully
21 formed psychology, which they neither
22 chose nor controlled, and they were to
23 act on, it does not seem that
24 individual's response for that choice.

25 THADDEUS RUSSELL: Hang on now.

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2 STEPHEN KERSHNAR: Because they're
3 not responsible for the psychology that
4 led to it.

5 THADDEUS RUSSELL: Sorry. Yeah,
6 that part you lose me on. How are we
7 not responsible for our own psychology?

8 STEPHEN KERSHNAR: I'll get to
9 that in a second, but I want to do the
10 choice first. So imagine God created
11 someone with a complete psychology,
12 right? So imagine the person is
13 normally a completely egoist. They only
14 act on their self interest, except in
15 this narrow case, which didn't apply,
16 and the person, as a result, let's say
17 it's Frankenstein's monster kills a
18 small child right after sudden creation.
19 We don't think, well, the Frankenstein's
20 monster would not be responsible. Why?
21 Because he didn't control or didn't
22 choose a psychology. And his choice
23 flowed from his psychology, leaving
24 aside whether it was dictated.

25 THADDEUS RUSSELL: Right.

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2 STEPHEN KERSHNER: So it doesn't
3 make it responsible on the basis of
4 choice. But the same thing is true with
5 psychology. If you didn't choose your
6 psychology, it's unclear why you would
7 be responsible for it. Similarly, if
8 Patty Hearst was brainwashed because she
9 has this psychology, it's not clear that
10 that makes her responsible because she
11 didn't choose it.

12 THADDEUS RUSSELL: Okay.

13 STEPHEN KERSHNER: Same thing if
14 Frankenstein's monster was created all
15 at once and then split second after
16 creation as a psychology. That doesn't
17 seem to make him responsible, again,
18 because he didn't choose a control
19 psychology.

20 Well, if the basis of
21 responsibility is not a choice, and if
22 it's not your psychology, there doesn't
23 seem to be any other basis. The only
24 other option is to stack them up and say
25 combinations of choice and psychology,

1 Episode 142: Stephen Kershner
2 or combinations of psychology and choice
3 to it.

4 THADDEUS RUSSELL: But wait --

5 STEPHEN KERSHNER: But if neither
6 one by itself makes you responsible,
7 it's unclear why stacking them up would
8 make them responsible.

9 THADDEUS RUSSELL: But hang on.
10 So your examples are Dr. Frankenstein
11 creating the psychology of the monster,
12 and the Symbionese Liberation Army
13 creating the psychology of Patty Hearst.
14 In which case so you're stipulating,
15 right, that she was brainwashed. So if
16 you stipulate that, that's fine. I get
17 that. So neither one in that case is
18 responsible for their own psychology.
19 But that's not most people, right?

20 STEPHEN KERSHNER: Absolutely.

21 THADDEUS RUSSELL: Okay.

22 STEPHEN KERSHNER: But the idea is
23 that what makes you responsible has to
24 be something. It has to be your choice
25 or your psychology. Because there's

1 Episode 142: Stephen Kershner
2 just a feedback loop, right? You
3 exercise choice. You change your
4 psychology based on your change
5 psychology, you make further choices.
6 Based on your choices, you happen to
7 further change the psychology. There's
8 a feedback loop.

9 But it's unclear why cycling
10 through this again and again and again
11 makes you responsible. If neither one
12 makes you responsible. That is, if A
13 doesn't make you responsible and B
14 doesn't make you responsible, it's
15 unclear why the combination of them
16 would make you responsible.

17 Now, you're right. We do have
18 this feedback loop. We're not like
19 Frankenstein's monster. We choose our
20 psychology to some degree.

21 THADDEUS RUSSELL: Okay.

22 STEPHEN KERSHNER: And we're not
23 like Patty Hearst in that our choices do
24 flow from our psychology and not a
25 psychology that someone externally

1 Episode 142: Stephen Kershnar
2 imposed on us, at least to that greater
3 degree. But the idea is, if you ask
4 yourself what it is that is the
5 foundation of responsibility, what it is
6 that's the basic thing that makes you
7 responsible, it seems there's two
8 options in those. Neither one is
9 sufficient to make you responsible.

10 THADDEUS RUSSELL: So if you
11 choose your own psychology and then you
12 make a choice to do something bad -- I'm
13 still not getting the argument. Why are
14 you not then responsible?

15 STEPHEN KERSHNAR: Well, because
16 ask yourself, what is it that would make
17 you responsible. Was it the fact that
18 you chose your psychology, or was it the
19 fact that your choice flowed from your
20 psychology?

21 THADDEUS RUSSELL: Okay.

22 STEPHEN KERSHNAR: So if it's not
23 the first choice, and by hypothesis,
24 it's not right, because that seems to
25 flow from psychology you didn't choose,

1 Episode 142: Stephen Kershnar
2 let's just assume it's your first
3 choice.

4 THADDEUS RUSSELL: Okay.

5 STEPHEN KERSHNAR: So you're not
6 responsible for that. If you're not
7 responsible for the choice, why would
8 you be responsible for the psychology
9 that flowed from it?

10 THADDEUS RUSSELL: Okay.

11 STEPHEN KERSHNAR: Right.
12 Because, of course, that psychology
13 is -- and you're responsible for the
14 choice. So how is it -- a choice for
15 which you're not responsible can lead
16 you to be responsible for psychology?

17 THADDEUS RUSSELL: Okay. I guess
18 okay --

19 STEPHEN KERSHNAR: But if you're
20 not responsible for the psychology, why
21 would you be responsible for the choice
22 that flowed from it.

23 THADDEUS RUSSELL: Okay.

24 STEPHEN KERSHNAR: So the idea is
25 that we never sort of break into the

1 Episode 142: Stephen Kershner
2 system. We never get something that
3 makes you responsible.

4 So let me give you a related
5 argument. It's not my argument, but
6 this is a related argument. It's from a
7 professor at was at Oxford now. I think
8 he's at CUNY, Galen Strawson. And his
9 argument, again, similar to mine, but
10 different, has two basic premises. One
11 premise is you're responsible for what
12 you do -- sorry, what you do depends on
13 who you are. What you do depends on who
14 you are. Seems to be correct, right?
15 The choices that you make depend on your
16 psychology.

17 And the second claim is no one is
18 responsible for who he is. And the
19 reason for that, Strawson claims is that
20 you're not self created. But -- and
21 again, another way to see it is you
22 didn't choose your psychology. If you
23 did, that's just going to kick the
24 problem back one step.

25 THADDEUS RUSSELL: Right.

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2 STEPHEN KERSHNAR: So Strawson's
3 view rests on two premises. What you do
4 depends on who you are and no one's
5 responsible for who you are. My account
6 is more direct. It just says, look,
7 what is it that makes you responsible?
8 I think there are two plausible
9 candidates a choice and a psychology.
10 Neither one by itself is sufficient.
11 And if we stack them together in various
12 combinations, you know, combinations of
13 choice, psychology or psychology choice
14 or vast sequences of them, it's kind of
15 like the old slogan, I'm losing money on
16 each sale, but I'm making up in volume.

17 THADDEUS RUSSELL: Okay.

18 STEPHEN KERSHNAR: Well, if we
19 don't add responsibility into the
20 system, then long sequences of events or
21 states are not going to be not going to
22 allow an individual to be responsible.

23 THADDEUS RUSSELL: So are you're
24 attacking the concept of free will. Am
25 I right?

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2 STEPHEN KERSHNAR: Yes. I
3 actually don't -- I think it's a
4 separate issue. I don't think we really
5 care about free will. I think we care
6 about moral responsibility. So free
7 will matters, I think only to the degree
8 that makes us morally responsible. I
9 don't know whether we have free will or
10 not. I suspect not. But whether we do
11 or not, if we have free will, if it
12 doesn't make us morally responsible, why
13 should we care? It could be that lions
14 and jaguars have free will. I mean, how
15 is that relevant?

16 THADDEUS RUSSELL: So it's funny
17 that you were expressing concern about
18 my renegades taking over society, yet
19 you make a whole book argument against
20 social responsibility, don't you? Isn't
21 that what this is?

22 STEPHEN KERSHNAR: Yeah, I guess
23 any responsibility.

24 THADDEUS RUSSELL: Yeah. Right.

25 STEPHEN KERSHNAR: And then the

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2 case against morality then is even more
3 damaging, right?

4 So the idea against morality is
5 that there's only kind of a couple of
6 bases for what makes things right or
7 wrong. Most standard account are
8 rights. So we think, okay, people have
9 rights and this is just and usually
10 there's two justifications of rights,
11 right? People have rights because
12 either they're morally responsible and
13 rights protect give us space, elbow room
14 to exercise their responsibility.
15 Obviously a problem for not responsible
16 or they protect people's interests.

17 THADDEUS RUSSELL: Okay.

18 STEPHEN KERSHNAR: The problem
19 with both theories is that rights are
20 not going to do the work that we want
21 them to do if they protect autonomy or
22 interest. And the way you can see that
23 is that certain activities are in our
24 interest or not in our interest and are
25 in our interest and not they sort of

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2 turn on, turn off. We don't think
3 rights work that way. It might be the
4 case that if I don't smoke -- but if I
5 smoked a cigarette at this time, I would
6 enjoy it, so I get net benefit, but if I
7 did it later, the possibility for
8 addiction would be worse than my
9 enjoyment. So that's not my interest,
10 but it is my interest. We don't think
11 rights turn on and off like that.

12 THADDEUS RUSSELL: Right.

13 STEPHEN KERSHNAR: We also don't
14 think when people have conflicting
15 interests, that whoever's stronger
16 interests wins out. So if someone has a
17 greater interest in my stereo than I do,
18 and they come at the house to take my
19 stereo, we don't think they have a right
20 to it just because they have a greater
21 interest. And yet, if interest justify
22 rights, it's hard to see why that would
23 not be true. Some people say, well,
24 it's not the individual interest, it's
25 the collection's interests. Well, one,

1 Episode 142: Stephen Kershner
2 there's all sorts of bizarre results on
3 that, right? It tells us that if enough
4 people are interested in something, then
5 they have a right to it, regardless of
6 how just obviously unjust it is. So if
7 enough people get their kicks out of
8 watching subgroup victimized by some
9 horrendous violence, they have a right
10 to it because it would maximize overall
11 interest and the same thing at the same
12 game we play with autonomy.

13 THADDEUS RUSSELL: Yeah. Rights
14 are religious thinking. These are
15 religious beliefs. If you go to Thomas
16 Jefferson and it's like, well, where do
17 these rights come from? Oh, well, they
18 come from the Creator. Oh, end of
19 discussion. Oh, well. And they get a
20 little more sophisticated in the 19th
21 century, they say, oh, well, they
22 actually come from nature. Oh, really?
23 Which blade of grass or cloud in the sky
24 does it say that we have a right to free
25 speech or whatever?

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2 STEPHEN KERSHNAR: Right.

3 THADDEUS RUSSELL: These are
4 inventions. They're social constructs,
5 obviously. Some of them I like, and
6 some of them I don't. But it's so
7 hilarious to me when people talk about
8 them as if they're God given. People
9 who are secular people, secular thinkers
10 who then they talk as if it's either
11 derived from nature or God, as if, yeah,
12 show me that. Where's the theorem?
13 Where's the proof of this? You can't
14 even begin to prove that.

15 STEPHEN KERSHNAR: Yeah. And even
16 like I said, I agree with what you're
17 saying. And it's hard to see how this
18 justificational element works. People
19 think you can waive rights, but if
20 rights were really fundamental, say,
21 protected choice or autonomy, then how
22 could the same thing both protect the
23 right and protect your ability to waive
24 it?

25 But again, it's hard to see how

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2 whether you focus on individual cases,
3 my interest at this time, or a
4 population's interest over time, the
5 population's interest over time has
6 problems, really bizarre. One
7 problem -- the objection wasn't tied to
8 this, but I think you can use it for
9 it -- use it for it. So if the
10 interests of humanity are sort of
11 promoted or -- promoted or set back by
12 individuals having this right, then
13 whether I should have a right now
14 depends on what's true about the ancient
15 Egyptians, right? Whether this would
16 have benefited or harmed them.

17 THADDEUS RUSSELL: It's eternal.

18 STEPHEN KERSHNAR: But it's kind
19 of odd to say, like whether or not I
20 have this right depends on facts about
21 ancient Egyptians.

22 THADDEUS RUSSELL: Right. These
23 are eternal truth claims, right? It's
24 eternal. Rights are rights everywhere
25 and always forever.

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2 STEPHEN KERSHNER: Right. That's
3 right. And if they're going to do the
4 work that we want them to, they're going
5 to have to function like that.

6 THADDEUS RUSSELL: Of course.

7 STEPHEN KERSHNER: And they have
8 to be true across all time --

9 THADDEUS RUSSELL: Space and time.
10 Space --

11 STEPHEN KERSHNER: Across all
12 possible worlds.

13 THADDEUS RUSSELL: Exactly.

14 STEPHEN KERSHNER: But the other
15 justifications don't seem to work any
16 better. If consequentialism is true --
17 first of all, if you're not morally
18 responsible, it's unclear why anything
19 is right or wrong.

20 THADDEUS RUSSELL: Explain
21 consequentialism.

22 STEPHEN KERSHNER: So
23 consequentialism just says that -- so
24 people often have heard this
25 utilitarianism. It just says that the

1 Episode 142: Stephen Kershnar
2 ends justify the means. That is,
3 whether or not your action is right
4 depends on whether or not it brings
5 about the best results. If it does --

6 THADDEUS RUSSELL: It's amoral.

7 STEPHEN KERSHNAR: What is that?

8 THADDEUS RUSSELL: It's amoral,
9 right?

10 STEPHEN KERSHNAR: Well, it says
11 that the rightness depends on whether or
12 not you're making the world a better
13 place or a worse place.

14 THADDEUS RUSSELL: Right. Okay.
15 I guess -- okay. In that case -- in
16 that sense it is moralistic. That's
17 true. Right?

18 STEPHEN KERSHNAR: Right. So it
19 is a theory of morality. So there's a
20 number of problems with it. One problem
21 with it is that, look, if we're not
22 morally responsible, then we're not the
23 sort of things that do right or wrong
24 actions. I mean, no one says that -- so
25 if a gecko eats a praying mantis, we

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2 don't say, well, that gecko did the
3 right thing or wrong thing. They're not
4 the sort of things that do right or
5 wrong actions.

6 THADDEUS RUSSELL: Right.

7 STEPHEN KERSHNAR: But if we're
8 not morally responsible in some sense
9 we're similar to a gecko despite our
10 sophisticated thinking, we're not moral
11 agents because moral agents have
12 responsibility. What's more, if
13 determinism is true, we don't know
14 whether or not it's true, but if it is
15 true so that given what came before us
16 and given the laws of nature, we
17 couldn't have acted differently. It's a
18 little hard to say, well, you could have
19 made the world a better place when, in
20 fact, you could not have given that
21 everything's determined.

22 And then lastly -- and this
23 objection doesn't come from me, it comes
24 from a philosopher named Steven Bolter.
25 It's a little hard to see when you

1 Episode 142: Stephen Kershnar
2 perform an action at one time, let's say
3 it's 2010, how that can be right or
4 wrong based on what happens in 2020. I
5 mean, the action no longer exists in
6 2020, so how could that --

7 THADDEUS RUSSELL: That's the
8 problem --

9 STEPHEN KERSHNAR: -- backtrack in
10 time to make that action right or wrong?

11 THADDEUS RUSSELL: Yeah.

12 STEPHEN KERSHNAR: So the idea is
13 that it doesn't seem that an action is
14 right in virtue of its respecting rights
15 or infringing on rights. It doesn't
16 seem that an action is right or wrong
17 depending on whether it achieves best
18 results or not. And then sort of more
19 specific ideas which are central to
20 morality, we can't really defend notion
21 of proportionality; you can use only so
22 much force in punishing someone for self
23 defense. It's very hard to come out
24 with equation with this. I claim you
25 can't do it, but at the very least it's

1 Episode 142: Stephen Kershner
2 very difficult.

3 So I just think, look, I mean, we
4 end up with these two horrendous
5 results, right? One -- and they're
6 strong. I mean, I think things go
7 haywire and they're completely
8 inconsistent with everything I said
9 early in the interview. So if you're
10 saying, well, haven't you just
11 contradicted everything you said? The
12 answer is yes. And to my eternal
13 discredit. So it seems that people are
14 not morally responsible because we can't
15 identify what makes them morally
16 responsible.

17 THADDEUS RUSSELL: Okay.

18 STEPHEN KERSHNER: It seems that
19 actions are not right or wrong because
20 there's no thing which makes them right
21 or wrong.

22 THADDEUS RUSSELL: Right. No
23 basis for that.

24 STEPHEN KERSHNER: Yeah. Or
25 achieving good or bad consequences.

1 Episode 142: Stephen Kershnar

2 And so we're left with this very
3 counterintuitive result that there's no
4 morality and that there's no moral
5 responsibility.

6 THADDEUS RUSSELL: Right.

7 STEPHEN KERSHNAR: And yet if we
8 believe those things, we lose most of
9 our reasons for action. I mean, our
10 daily worldview is filled with what are
11 called reactive attitudes. Attitudes
12 which presuppose responsibility. We get
13 angry at people, we're grateful, we're
14 proud, we're disappointed, we feel
15 ashamed of ourselves. All these
16 attitudes presuppose responsibility in
17 saying that we support this policy but
18 not that we support an isolationist
19 rather than an interventionist foreign
20 policy. We support more freedom rather
21 than less freedom in terms of social
22 regulation of our lives. We're making
23 morally moral claims, particularly
24 claims about rightness or wrongness.
25 Once we lose rightness or wrongness,

1 Episode 142: Stephen Kershnar
2 those sorts of claims are not just -- I
3 mean, they're flat out false. We don't
4 just reinterpret them in a way which
5 makes them true. Because when we say,
6 for example, we should have an
7 isolationist rather than intervention of
8 foreign policy, what we're saying is
9 there are right and wrong actions and
10 this is one of the wrong actions.

11 THADDEUS RUSSELL: Not me. So
12 what I say is interventionist foreign
13 policies, as I said earlier, makes the
14 world worse for me and often it makes it
15 less safe for me and the people I care
16 about. And that's why I oppose
17 interventions abroad. That's a politics
18 of self interest. I'm not making a
19 moral claim there at all.

20 STEPHEN KERSHNAR: But you don't
21 normally -- if something were in your
22 interest, you still might be opposed to,
23 right? You still might be opposed to
24 let's -- let's say that you were allowed
25 to, for whatever reason, you had some

1 Episode 142: Stephen Kershner
2 exemption, you're allowed to, you know,
3 steal or batter whoever you want.

4 THADDEUS RUSSELL: Okay.

5 STEPHEN KERSHNER: You were given,
6 like, a license to behave -- the Sun
7 King in France.

8 THADDEUS RUSSELL: Yeah.

9 STEPHEN KERSHNER: My guess is you
10 would think, look, I really ought not to
11 do that or I desire not to do that.
12 Well, why would you desire not to do
13 something which would make your life
14 feel better?

15 THADDEUS RUSSELL: Well, I mean,
16 if it involves hurting someone, then I
17 risk blowback from them. So it's a cost
18 benefit analysis for me. Again, it's
19 not a moral claim. I wouldn't choose to
20 not hurt someone based on morality. I
21 would choose to not hurt someone based
22 on the kind of relationship I want to
23 have with them, right. So if I go
24 around hitting my neighbors and this
25 goes for people I don't even know, this

1 Episode 142: Stephen Kershnar
2 goes for strangers too if I go around
3 hitting people who I don't know, my life
4 is definitely going to take a turn for
5 the worse, even if I don't go to jail
6 for it. I mean, people will hate me.
7 And that's not a good place to live in,
8 right?

9 STEPHEN KERSHNAR: Right.

10 THADDEUS RUSSELL: So that's why.
11 That's a politics of self interest.

12 STEPHEN KERSHNAR: But note that
13 your language might be a little bit
14 misleading because if you were to
15 translate your statements into desires,
16 it would seem to lose the kind of
17 conversational force that it normally
18 has. If you say, I desire that we have
19 an isolation of foreign policy, or I
20 desire that you not --

21 THADDEUS RUSSELL: Sorry --

22 STEPHEN KERSHNAR: Steal my
23 things --

24 THADDEUS RUSSELL: I mean, I think
25 it's actually been pretty effective. I

1 Episode 142: Stephen Kershner

2 mean --

3 STEPHEN KERSHNER: Imagine someone
4 who had really atrocious desires.
5 Imagine someone said, look, I desire to
6 take your things. Would you say, the
7 person is wrong or mistaken? Or would
8 you say, look, their desire does not
9 align with your desire?

10 THADDEUS RUSSELL: Correct. The
11 latter. And I would say, good luck
12 trying to steal my stuff because I have
13 guns.

14 STEPHEN KERSHNER: Fair enough.
15 As a resident of New York City, I'm sure
16 you're pretty well protected.

17 THADDEUS RUSSELL: But this is the
18 world. There's conflict in the world,
19 and people do want to do stuff to me.
20 Individuals, governments, organizations
21 want to do stuff, take stuff from me,
22 and then it's just a fight. I just want
23 to be clear about what they want, right?
24 Once I know what they want, then I erect
25 the defenses instead of moralizing

1 Episode 142: Stephen Kershner
2 against them.

3 STEPHEN KERSHNER: Excellent. So
4 your idea is that you could translate --
5 either you could translate or at least
6 you should think just in terms of
7 desires, that people don't actually
8 disagree on morality -- they either
9 don't disagree on morality, or if they
10 do, they're just all saying false
11 things, so there's not a meaningful
12 disagreement. They're both disagreeing
13 false things. That's kind of an
14 interesting take on things. I wonder if
15 it undercuts our reasons for action in
16 the sense that imagine something's in
17 your interest and you desire it. It's
18 unclear if that provides a reason for
19 action. Just because something makes
20 your life go better. Unless you
21 presuppose that you should do those
22 things which make your life go better,
23 it's unclear why you have a reason to
24 act on it.

25 THADDEUS RUSSELL: Oh, because

1 Episode 142: Stephen Kershnar
2 they feel good? I don't know. There's
3 multiple reasons. They make me feel
4 good.

5 STEPHEN KERSHNAR: I guess I
6 wonder if that's a reason or if that's
7 just an empirical statement. Why is it
8 better that you feel good? It's better
9 for you, but why is it better?

10 THADDEUS RUSSELL: Again, these
11 are all socially constructed rationales.
12 This is all like, socially constructed
13 desires. Everything I'm saying is
14 social construction. Everything I'm
15 saying is an invention and a fiction.
16 It's just that they're ones I prefer,
17 that's all. I just prefer them over
18 others.

19 STEPHEN KERSHNAR: I hear what
20 you're saying. It sounds like your
21 system is consistent. I'm not sure it
22 captures a lot of what we want to say,
23 but it seems to be perfectly consistent.

24 THADDEUS RUSSELL: Good.

25 STEPHEN KERSHNAR: Again, I'm a

1 Episode 142: Stephen Kershner
2 little bit worried that it presupposes
3 reasons, but maybe not because I'm a
4 little bit worried that what you're
5 presupposing there are reasons to do
6 things which make your life go better or
7 make you happier, and that there aren't
8 such reasons. But in addition, I'm not
9 actually sure that's socially
10 constructed because it seems to be like,
11 quasi moral sense in chimpanzees. So
12 I'm not sure to agree, to which -- I
13 don't think that matters. But that's
14 not, at least in part, genetic.

15 THADDEUS RUSSELL: Yeah.

16 STEPHEN KERSHNAR: So what you're
17 saying would make sense to what I'm
18 saying. But it would lose a lot of what
19 you and I do for a living. We argue for
20 things, right? We argue for things in
21 history, we argue things for philosophy,
22 and we'd have to think we're watching or
23 listening to arguments. We think, well,
24 A's argument is better than B's
25 argument. But why think that we're

1 Episode 142: Stephen Kershnar
2 presupposing things like consistency and
3 support by evidence are good, but why
4 are they good unless you desire them,
5 right? You might not desire
6 consistency. You might not desire that
7 summon statement be supported by
8 evidence.

9 So unless it's going to be desire
10 all the way down, which it might well
11 be --

12 THADDEUS RUSSELL: Yes, it is.

13 STEPHEN KERSHNAR: -- it doesn't
14 seem to capture a lot of what we want to
15 do, what we do professionally.

16 THADDEUS RUSSELL: I want it to be
17 desire all the way down. I want my
18 decisions to be made based on my desire,
19 my individual desire, not on morality,
20 not on the dictates of the culture at
21 large.

22 STEPHEN KERSHNAR: Right.

23 THADDEUS RUSSELL: Right.

24 STEPHEN KERSHNAR: So on your
25 view, which I'm not screaming on, but on

1 Episode 142: Stephen Kershner
2 your view, there's nothing wrong with
3 victimizing others. Nothing wrong
4 whatsoever. But it's an empirical fact
5 that some people desire is going to be
6 frustrated if you do that.

7 THADDEUS RUSSELL: I mean, just
8 moral claims in general, I just find
9 farcical. I just think they're silly
10 because they're based on nothing. I
11 mean, they're just fiction. So I mean,
12 they hold no more weight than me
13 desiring a glass of beer at night. I
14 mean, these are desires. They're
15 fictions. There's no problem with it.
16 I mean, the politics of desire and the
17 politics of self interest are actually
18 really popular, I have found. I don't
19 think it hurts your cause at all.

20 In fact, I am not -- let me say
21 this really clearly. I've never read
22 Ayn Rand, and a lot of what I have read
23 I don't like. But I do think this is
24 very similar. This piece of my idea,
25 this piece of my worldview, I think is

1 Episode 142: Stephen Kershnar
2 similar to hers, which is, I think she
3 preached the politics of self interest
4 as well, is what --

5 STEPHEN KERSHNAR: Right.

6 THADDEUS RUSSELL: So in other
7 words, it's not that unusual a position.
8 And Ayn Rand has been awfully popular.

9 STEPHEN KERSHNAR: She was a big
10 influence of me when I was --

11 THADDEUS RUSSELL: Okay. But I'm
12 not a Randy, and I just --

13 STEPHEN KERSHNAR: No, I hear what
14 you're saying. But, I mean, she
15 definitely has a moral structure to her
16 which you and I are rejecting.

17 THADDEUS RUSSELL: Oh, definitely.
18 Much of Rand I don't like. But that
19 piece of it, the self interested piece,
20 is --

21 STEPHEN KERSHNAR: That's right.

22 THADDEUS RUSSELL: Makes perfect
23 sense, and it's been very popular.

24 STEPHEN KERSHNAR: But one other
25 thing, and that is your desire need not

1 Episode 142: Stephen Kershnar
2 be tied to your self interest. You
3 could desire that your interest be
4 frustrated. You could desire your life
5 go poorly, and that would be kind of a
6 relevant feature.

7 THADDEUS RUSSELL: But why are you
8 worried about that? Why are you worried
9 about what I choose? Why is that an
10 issue for you? What's the concern?

11 STEPHEN KERSHNAR: Well, the
12 concern is just to understand whether or
13 not the way -- in which we look at the
14 world is consistent with the sort of
15 skepticism that you and I are putting
16 forth.

17 THADDEUS RUSSELL: Okay. Whether
18 my worldviews --

19 STEPHEN KERSHNAR: So my concern
20 is the concern is that you and I
21 presuppose reasons not just on a daily
22 basis, which we certainly do, but even
23 in the way in which we think about
24 things that simply are inconsistent with
25 our view about the theory of morality,

1 Episode 142: Stephen Kershner

2 the fundamental theory of morality.

3 THADDEUS RUSSELL: Interesting.

4 STEPHEN KERSHNER: So an example

5 is on the view that everything's desire

6 based, you might have various

7 contradictions come into place that you

8 desire your life go poorly, and it's

9 unclear what you do with that, right?

10 So if you desire life go poorly, then if

11 it goes poorly, it goes well because the

12 desire is satisfied. If it goes well,

13 it goes poorly because the desire is

14 frustrated. And these sorts of

15 paradoxes, I think, present real

16 problems for the desire based views in

17 terms of what satisfies the desires.

18 Now, someone might say, well,

19 these are just these self referential

20 paradoxes. It's not a special problem.

21 It's just instant the liar paradox.

22 This sentence is a lie applied to my

23 desires. I tend to think the problem

24 goes deeper than that, but at least it's

25 a concern that paradoxes result.

1 Episode 142: Stephen Kershner

2 THADDEUS RUSSELL: Okay.

3 STEPHEN KERSHNAR: Again, the
4 other concern is just that I just think
5 a lot of what we think and how we talk,
6 particularly in our professional roles,
7 probably can't be translated desires,
8 but perhaps I'm wrong.

9 THADDEUS RUSSELL: Oh, I'm pretty
10 sure it can be. But this is something
11 I'm definitely going to think about.
12 You've made me think about this more
13 than anyone ever has, and I would
14 definitely chew on this, and we will
15 talk about it the next time.

16 I got another question for you
17 that's just totally off topic here.

18 STEPHEN KERSHNAR: Sure. No, I'm
19 really enjoying this. Absolutely.

20 THADDEUS RUSSELL: Or at least
21 it's not directly so.

22 I'm curious about you. Hey, man,
23 you and I both have chosen to say
24 basically the most controversial things
25 you can say in our world. I mean, for

1 Episode 142: Stephen Kershnar
2 God's sake, defending adult child, sex
3 and trouncing veterans and saying that
4 no one has responsibility.

5 STEPHEN KERSHNAR: Right.

6 THADDEUS RUSSELL: Do you have any
7 theories as to why you've been attracted
8 to making arguments like that?

9 STEPHEN KERSHNAR: Yes. So I've
10 thought about that a bit. I didn't
11 actually start out with these sorts of
12 views. I kind of started out with
13 fairly conventional views. In my
14 dissertation, I argued for
15 retributivism.

16 THADDEUS RUSSELL: What's that?

17 STEPHEN KERSHNAR: The idea that
18 we should punish people because only
19 because they deserve it.

20 THADDEUS RUSSELL: Oh.

21 STEPHEN KERSHNAR: That is, we
22 should give people their just desserts
23 when we punish them.

24 THADDEUS RUSSELL: Okay.

25 STEPHEN KERSHNAR: And in fact, my

1 Episode 142: Stephen Kershnar
2 brother and I ran a marathon, and in the
3 back, it said, just desserts because I'd
4 written my dissertation on it.

5 On the other hand, look, I mean,
6 it seems to me that if you have this
7 many views which sort of go across the
8 grain, there's got to be some sort of
9 you're just fighting the current.

10 THADDEUS RUSSELL: What is it in
11 you? Why you?

12 STEPHEN KERSHNAR: Well, part of
13 it, I think if you do applied ethics, I
14 mean, it's just part of the field,
15 right? You got to follow the logic
16 where it is.

17 THADDEUS RUSSELL: Okay.

18 STEPHEN KERSHNAR: But two, I just
19 think that I guess I'm not sure what it
20 is. I don't see myself as an especially
21 oppositional person, so I kind of
22 thought of myself as a fairly good
23 teammate.

24 THADDEUS RUSSELL: Oh, I'm a great
25 teammate.

1 Episode 142: Stephen Kershnar

2 STEPHEN KERSHNAR: I mean, I'm
3 divorced, so I guess I'm partially
4 opposition.

5 THADDEUS RUSSELL: I'm divorced,
6 too.

7 STEPHEN KERSHNAR: But, yeah, I
8 don't see myself as the oppositional. I
9 guess I just think, look, certain
10 things, the arguments, it's almost
11 aesthetic. They just rub me the wrong
12 way.

13 Take the abortion case, right?
14 You look at those religious views about
15 the afterlife, and you look at their
16 views about not killing fetuses to
17 guarantee their trip to heaven, and it
18 bothers me. It just says, well, why
19 wouldn't you guarantee their trip to
20 heaven? And I called my brother I'm
21 pretty close to my brother, and I say,
22 well, what do you think? And he says,
23 yeah, it bothers me, too. I'm like, all
24 right, well, at least two of us think
25 this.

1 Episode 142: Stephen Kershnar

2 THADDEUS RUSSELL: Logical
3 inconsistency in people who are
4 sanctimonious about it. That's what
5 bothers me.

6 STEPHEN KERSHNAR: That's an
7 excellent point.

8 THADDEUS RUSSELL: That's it.

9 STEPHEN KERSHNAR: That could well
10 be just the aesthetic displeasure of it.
11 Absolutely.

12 THADDEUS RUSSELL: It's the
13 sanctimony of people who are illogical,
14 and they're thinking, it drives me
15 bananas. That's it.

16 STEPHEN KERSHNAR: That might be
17 it. Again, I don't particularly think
18 I'm especially irritable, but when you
19 go to events and they say we all should
20 take the time to thank veterans, I'm
21 thinking, well, lots of people
22 sacrificed this audience in all sorts of
23 ways, including all the mothers and
24 including the farmers. Why are we
25 singling these individuals out?

1 Episode 142: Stephen Kershnar

2 I guess it just rubs me the wrong
3 way. And then some of the things like
4 responsibility there I'm kind of just
5 drag, kicking and screaming, right. I
6 desperately want to believe in
7 responsibility. In fact, like I said,
8 whatever, 70% of what we discussed today
9 becomes utterly false and meaningless
10 once you lose responsibility and
11 morality. So I don't want to lose
12 either one. But the argument seem to
13 work. I take them on the road. I go to
14 conferences. I have really smart
15 friends who benefit me enormously. I
16 run it by them, see what they have to
17 say. And if it survives the conference,
18 it survives my friends and my brother, I
19 think, well --

20 THADDEUS RUSSELL: Keep going.

21 STEPHEN KERSHNAR: Runs my
22 brother, my sister. I'm like, look, I
23 mean, the argument looks good to me.
24 What can I do? Again, the fact that I
25 don't want it to be true is beside the

1 Episode 142: Stephen Kershner
2 point. Best I can determine it is true,
3 I'm guessing.

4 So What about you? How did you
5 arrive at so many unpopular views?

6 THADDEUS RUSSELL: Like, I was
7 just thinking this the other day. I
8 have basically gone through about a
9 two-decade period of just radical
10 disillusionment with everything I was
11 raised to believe. I mean, my whole
12 worldview, my attitude about things,
13 everything from my parents to Christmas
14 to socialism has all turned upside down
15 in the last 20 years. And of course, in
16 politics, I've just gone through this
17 whole revolution, which again, it's
18 disillusionment. I was born into a
19 church and I'm an apostate now. It's
20 exactly the same kind of thing, right,
21 where all of these things were just
22 premises that were never questioned,
23 basic premises, right. And I'm talking
24 about sort of the left liberal world.

25 STEPHEN KERSHNER: Yes.

1 Episode 142: Stephen Kershner

2 THADDEUS RUSSELL: And hardcore
3 left in particular in my case. And I
4 just started to see one after the other
5 after the other not make sense. Either
6 being internally contradictory or
7 contradictory in other ways or being the
8 opposite of what they claim to be
9 purport to be. Like often left wing
10 politics often claims to be -- and
11 that's true for conservative politics
12 too, for freedom and liberty, when in
13 fact they're not at all. They're for
14 conformity and control and social
15 engineering and making people not get
16 abortions and all the rest of it.

17 STEPHEN KERSHNER: Right.

18 THADDEUS RUSSELL: I do have an
19 eye for contradictions in arguments.
20 Yes. It's very annoying. I mean, I'm
21 sure to deal with me, I'm always looking
22 for the contradictions in arguments.

23 STEPHEN KERSHNER: But is it worth
24 the price, or you find that just that's
25 how your mind works, you can't avoid it?

1 Episode 142: Stephen Kershner

2 THADDEUS RUSSELL: Well --

3 STEPHEN KERSHNER: In some sense,
4 swimming against the current makes
5 things harder than it has to be.

6 THADDEUS RUSSELL: I've received
7 quite a bit of punishment and tremendous
8 rewards for it. Both. Definitely a lot
9 of both. So I don't know.

10 STEPHEN KERSHNER: I guess I'm
11 somebody exactly true for me as well.

12 THADDEUS RUSSELL: Right.

13 STEPHEN KERSHNER: I don't think
14 it's helped my career. On the other
15 hand, that's how my mind thinks. I've
16 had enormous amounts of very pleasing
17 conversations and friendships which
18 involve these discussion of these ideas.
19 So there's been definitely definite
20 benefits but definite costs as well.
21 But overall, I just think, look, that's
22 the way I kind of enjoy thinking, and I
23 don't -- I'm not sure I'd want to cut
24 deals to swim with the current.

25 THADDEUS RUSSELL: Steve, I run a

1 Episode 142: Stephen Kershnar
2 university, it's called Renegade
3 University and we actually pay people
4 better than adjuncts are paid at most
5 universities. All you have to do to
6 make that kind of money is be a good
7 teacher and say interesting things. I
8 would love for you to teach something
9 for us. You would be amazing and people
10 would love it.

11 STEPHEN KERSHNAR: No, I would
12 definitely consider it. In addition,
13 I'll be more than glad to give lectures
14 for free. Like I said, I really enjoy
15 this and it's been my pleasure to do.

16 THADDEUS RUSSELL: Awesome. Now
17 we'll get you paid. We'll get you paid.
18 You're worth it. You are amazing. This
19 has been --

20 STEPHEN KERSHNAR: You as well.

21 THADDEUS RUSSELL: This is the
22 most fun I've ever had talking to a
23 philosophy professor by far.

24 STEPHEN KERSHNAR: I've really
25 enjoyed as well. It was fantastic

1 Episode 142: Stephen Kershner
2 interview and I've enjoyed it from
3 beginning to the end.

4 THADDEUS RUSSELL: Awesome, man.

5 STEPHEN KERSHNER: And it's
6 interesting how similar we are. I mean,
7 there are not a lot of people on these
8 issues who are not like either outraged
9 or just want to let --

10 THADDEUS RUSSELL: And we came at
11 it from very different places. It's
12 wild that we ended up with the same
13 conclusions on a lot of these things.
14 But all right, man, I'm going to let you
15 go. This has been incredible. Thank
16 you so much. And you will hear from me
17 again because we're going to do stuff.

18 STEPHEN KERSHNER: Like I said,
19 I've enjoyed this incredibly. If you
20 want me to do another interview, I'll be
21 more than glad to do so. Enjoy this
22 anytime.

23 THADDEUS RUSSELL: I got ideas for
24 you. Cool, man.

25 STEPHEN KERSHNER: Thank you,

1

2 Steve. Thank you.

3 THADDEUS RUSSELL: Bye. Bye.

4 This is the Unregistered podcast.

5 And I'm Thaddeus Russell. To join the

6 new Renegade University, go to

7 renegadeuniversity.com. To join the new

8 Unregistered Underground, the supporting

9 listeners group for the podcast, go to

10 unregisteredunderground.com. Thanks for

11 listening.

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C E R T I F I C A T E
STATE OF NEW YORK)
: SS
COUNTY OF NEW YORK)

I, Marissa Mignano, a Notary
Public within and for the State of New York,
do hereby certify the within is a
a true and accurate transcription of the
audiotapes recorded.

I further certify that I am
not related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 12TH day of MAY
2023.

Marissa Mignano
MARISSA MIGNANO

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	5		
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